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ABSTRACT

The purpose of this teacher's guide is to provide some necessary tools in order to expand and up-date courses in American history, with an emphasis on the major role of the original inhabitants of North America in the shaping of history. It is hoped the guide will enable the teacher to expand the high school students' historical viewpoint, and give them an honest view of the role played by the original Americans in American history. The 8 units covered are (1) Indians Discover America, (2) Home of the Free--Land of the Brave, (3) Columbus Discovers Indians, (4) Colonists Gain Freedom--Indians Lose Theirs, (5) Indian Fighters Seize the White House, 1812-1850, (6) Let Them Eat Grass, (7) A People's Dream Died There, and (8) The Only Good Indian is a Dead Indian. Special projects and suggested materials and a bibliography are provided at the end of each unit. The appendix includes books and recordings, a preliminary bibliography for Diegueno Indians, a list of Indian museums, and the transcript of the Court-Martial of Colonel Chivington. (FF)

THE INDIAN IN AMERICAN HISTORY

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"It may be that some little root
of the Sacred Tree still lives.
Nourish it then, that it may
leaf and bloom and fill..."
Black Elk

THE SACRED TREE STILL LIVES

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THE INDIAN IN AMERICAN HISTORY

by

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and
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1971-72

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TITLE I ESEA

Nothing lives long

Only the earth and the mountains.

Cheyenne death song

Sung by White Antelope at Sand Creek.

The cover title is taken
from the words of Black Elk,
a Dakota holy man.

THE INDIAN IN AMERICAN HISTORY

A teacher's guide

Prepared by:

Sandra Lakota Spaulding
John Caské Rouillard

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PREFACE

The purpose of this teacher's guide is to give the classroom teacher direction and some necessary tools in order to expand and up-date courses in American history, with an emphasis on the major, rather than the minor, role of the original inhabitants of North America in the shaping of history.

Historians of the past have commonly presented history based on the assumptions that Europeans brought to an "empty" continent a "superior" level of cultural and technical achievement. The history and cultures of the Native American population have been romanticized, for the most part treated as an afterthought, and depicted as an impediment to the progress of "civilization."

In the brief span of time that represents modern history, the White Man is a relative newcomer to this American climate, which had been the home of the Mohawk, Miami, the Kumeyay (Diegueño), Quechan, the Dakota, Shoshone, and numerous other tribes of people, later called "Indians," for perhaps as far back as 25,000 years.

Students of American history have traditionally concentrated only on that brief span of time which emphasizes the role of the newcomer of recent years. The authors of this guide hope that it will enable the teacher to expand the student's historical viewpoint, and give the student an honest view regarding the role played by the "original" Americans in American history.

UNIT I

"INDIANS DISCOVER AMERICA"

Important Dates

Early Pleistocene - Australopithecine (1,000,000 to 500,000 years ago)

Middle Pleistocene - Pithecanthropi (500,000 to 100,000 years ago)

Late Pleistocene - Homo (from 100,000 years ago)

Modern man, as conjectured by history and science, wandered into his present state through the darkness of the unknown of our common past. Two common theories concerning that past are (1) that man evolved from parallel humanoid stock in widely separated and isolated regions of the "Old World" and (2) that man arose in a single center and racial changes occurred in the course of migration.

The migration of man, from whatever centers, generally follows a theory that he moved from Western Asia into Europe and North America as the glacial ice sheets melted and retreated northward.

By the very nature of the fantastic span of time in pre-history, it is an impossible task to include all the "lithics" of anthropology, archaeology, and other scientific fields of investigation and study. It is recommended that each teacher develop his own convenient form of reference terms, i.e., ice-age, stone-age, iron-age, etc., to assist his students in the organization of pre-history chronology.

Over the land bridge to an empty continent?

Most prevalent theories of anthropologists and archaeologists see the triumph of man during the middle of the most recent ice-age, beginning about 65,000 years ago and lasting until 10,000 years ago. Evidence abounds showing that man developed tools and technology to hunt ice-age animals and to create a viable existence, which today we would call culture.

At the peak of what we call the Wisconsin glaciation, estimated at 40,000 years ago, scientists estimate that sea level as we know it was lowered some 300 feet. Immense

amounts of the planet's water supply were locked into the ice-age. The land bridge that emerged was open for 10 to 20 thousand years allowing for migrations of animals and people. Until about 10,000 years ago, when a rise in temperature brought an end to the ice-age and flooded this area, man was free to move in any direction. (See map in Appendix.)

It is estimated that it took 11,000 years for man to reach the tip of the South American continent. Some of the big game animals pursued by these paleo-Indians were big-horn bison, camels, mammoth, mastadon and early horses. The trails of these animals led early man into all areas of this hemisphere.

Classroom research and discussion on the stages and cultures of paleo-Indian classifications can enrich this unit. Existing resources in North American archaeology and anthropology are readily available. The following are recommended:

1. MacGowan, K., and J. A. Hester. Early Man in the New World. Garden City, New York: Doubleday, 1962.

2. Jennings, J. D., and E. Norbeck, editors. Prehistoric Man in the New World. Chicago, The University of Chicago Press, 1964.

The stages of paleo-Indians for special investigation are:

Plano	9,500 to 7,000 years ago
Plainview	10,000 to 7,500 years ago
Folsom	11,000 to 9,000 years ago
Llano	15,000 to 11,000 years ago
Sandia	25,000 to 12,000 years ago

Pre-Projectile State 38,000 to 20,000 years ago

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Hopkins, D. M. The Bering Land Bridge. California: Stanford University Press, 1967.

Hulse, F. S. The Human Species. New York: Random House, 1963.

Kroeber, A. L. Nature of Culture. "Long Range Dating in Archaeology" by R. F. Heizer, pp. 3-42. Illinois: University of Chicago Press, 1953.

SPECIAL PROJECTS AND SUGGESTED MATERIALS

I. Essays on anthropology and archaeology

   a. Determine some of the major schools of thought

   b. Conflict of Judeo-Christian teachings with scientific process -- Scopes Trial, etc.

   c. Awareness of the attitudes of the Indian descendants regarding archaeology sites

II. Field trips

   a. Legitimate museum with information - lecture by curator

   b. On site investigation of archaeological "dig" with trained archaeologist

      1. Prepare the class with background material regarding rationale for the investigation (Is it curio hunting?)

      2. What preliminary plans prepare for respectful handling of unearthed burials - - Are local Indians consulted?

III. Special Projects...
Slide presentations; films and other illustrative material for display

   a. National Geographic series

   b. Chart showing relationships of weaponry to size of available game.

UNIT II

"HOME OF THE FREE - LAND OF THE BRAVE"

Mohave Story of Creation

In the beginning there was no land, no light, only darkness and the vast waters of Outer Ocean where Earth-Maker and Great-Grandfathe. were afloat in their canoe. Earth-Maker cast a long line into the water and brought up from the bottom of the ocean a pat of earth no larger than his hand. He placed it on the surface of the sea where it drifted on the waves. Then he stretched his arms, fingers open, toward the piece of drifting earth and it grew and spread and thickened until it became the World.

Earth-Maker and Great-Grandfather beached their canoe on the shore of the new-made world and walked from end to end, for it was flat and empty. As they walked they thought and thought of all they must do before people could live there. While they thought and spoke together, they reached their arms, fingers extended to the North, the East, the South, the West, to the Above and to the Below. In this way they caused mountains and hills and valleys to form where there had been only flatness, and creeks and rivers to flow and cut through the land to the sea. They called Sun and Moon to come to light the World.

They planted the seeds of acorn oaks, of fruit trees, of berry bushes and grasses, which sprouted and sent roots deep into the ground.

They put deer and elk and bear and small four-footers to live in the hills and open valleys; low-flying birds in the trees and brush; high-flying birds to go back and forth between the earth and the Sky World; and salmon and eels and the lesser fish to swim up rivers and into creeks.

When the world was finished and complete, Earth-Maker took soft clay and formed the figure of a man and of a woman, then many men and women, which he dried in the sun and into which he breathed life: they were the First People.

He gave homes to them, some in a fold of the hills, others by the sea. To each he said, "Here is your home and the home of the children who will be born to you. Your land reaches from here to here." So saying he indicated a place upstream and one downstream, also the crest of the first line of hills and perhaps a tall pine or a boulder or other marker to show the boundaries beyond which the land belonged to someone else.

Then Earth-Maker and Great-Grandfather taught the First People to hunt and fish, to make fire, to build houses and to fashion tools. They taught them also the tongue which each should speak, its songs and ritual words; the taboos to be observed for each age and each special event in a man's and a woman's life and all the rules of customary belief that go to make the Way.

When Earth-Maker and Great-Grandfather saw that the First People had learned and understood all these matters, their task was finished. Sadly, because they loved the world they had made, they said farewell and went underground forever. Since that time, since the beginning, the descendants of those First People, even to us here in this house, continue to live in the place where the Ancestors lived, to speak the old tongue, to keep the taboos, and in all matters to follow the Way.

The Subsequent units, which cover American history in a chronological sequence, relate the decline of the culture of the Indian people as the inevitable result of the encounter with European invaders.

As a result of this encounter, and the telling of it, we have developed a stereotyped image of a warlike people leading violent lives. We have a picture of the Indian, tomahawk in hand, leading raiding parties and war parties to the sound of war cries and the drum. At the other extreme, an anthropological view of the Indian people, often imparts the image of the docile, stone-faced, "savage" doing his best to adapt to his environment and not utilizing his surroundings to the best advantage.

The description of the Mohave Indian is characteristic of the type of anthropology that perpetuates the image of the Indian as a sub-human species. The following excerpt from the Bureau of Ethnology Bulletin 78 should be carefully used to guide the teacher in understanding how choice of terminology and description reflect a racist attitude and degrade a people.

Appearance

"...The Mohave men are tall, long footed and limbed, large boned, and spare. The common California tendency toward obesity is rare. Their carriage is loose, slouching at times and rapid at others. They lack the graceful dignity of the Pueblo and the sedate stateliness of the Plains warrior, but are imposing to look at. In walking, they are apt to stoop and drag, but break readily into an easy trot in which they travel interminably. The women have the usual Indian inclination toward stoutness after they have borne several children, and in comparison with the men seem dumpy, but carry themselves very erect and with a pleasingly free and even gait. The color of both sexes is distinctly yellowish--as often appears in the women when they wash--but ordinarily is turned a very dark brown by dirt and exposure to the sun.

"Mohave men sit with their thighs on their calves and heels, or with legs bent to one side on the ground. These are women's fashions among the Indians of the western plains. Women at rest stretch their legs straight out, and sometimes cross their feet. This is Pueblo style, but a most indecent position for a woman among the majority of American Indians. At work a Mohave woman tucks one leg under her, with her other knee up. This is a common female attitude in California, and convenient for certain kinds of sedentary work. When she

pleases, the Mohave woman also sits with her legs folded in oriental style--the normal attitude of Navaho and Plains men. Dress may have had much influence in determining the adoption of some of these styles. Thus the "Turk position" is easily taken in the loose fiber petticoat of California, but is awkward or likely to lead to exposure in the rather long gown of unyielding buckskin worn by the eastern women. But factors other than fashion of garment have certainly been operative, particularly for men. This is one of the most interesting matters in the whole range of customs and further knowledge for California is a great desideratum.

"A very frequent Mohave gesture, apparently of embarrassment, is the quick placing of the hand over the mouth. Men especially seem addicted to this movement.

"In many individuals the fingers habitually hang straight, except for a sharp bend at the farthest joint, which gives the hand a curious effect as of the legs of a crab.

"Men wore, and sometimes still wear, their hair long, rolled or rather pasted into 20 or 30 ropes of about the thickness of a lead pencil. The greater the mass of these strands hanging down the back to the hip, the prouder the owner. The women trim the hair square above the eyes and let the remainder flow free, spread out over the shoulders. In mourning they cut it a little below the ears; the men clip a trifle from the ends. The hair is sometimes tied up in clay mixed with mesquite gum, to stain it black and glossy; or plain clay is allowed to dry on it in a complete casing and left for a day or two, in order to suppress parasites. As the nits survive and hatch out, the treatment requires frequent repetition.

"The Mohave tattoo somewhat irregularly, although their own saying is that an untattooed person goes into a rat's hole at death instead of the proper place for spirits--as the Yahi pierce their ears with a similar purpose. Another account is that the ghosts are asked to point to the pole star, umasakahava, which in their new country is south; if they point northward, the rat's hole is their fate. Both sexes most commonly mark lines or rows of dots down the chin, and may add a little circle, a stripe, or a few spots on the forehead. The men are the more sparsely ornamented. Women sometimes draw a few lines across the cheeks or on the forearms. The absence of any standardized style is notable.

"The Mohave paint the face far more frequently and effectively than other California Indians. Young women in particular hardly appear at a gathering or public occasion without

striking red or yellow patterns across the cheeks. Forking lines are drawn downward from the eyes, or a band passes squarely across the cheeks, and the like. The style is obviously kindred to that followed by the Seri, though not quite so inclined to fineness of execution.

Disposition

"The Mohave are noticeably more responsive and energetic than the other Indians of California. They are an obstinate people--amiably so, but totally unable to see anything but their own view once this has set. They are rarely sullen; although they sometimes sulk like children, they are more given to outbursts of temper. The women scold freely on occasion. The California trick of eating in a grievance is foreign to them. Ordinarily they are idle minded and therefore readily persuaded, until some prejudice is stirred. Then they become immovable, although usually without resentment. Normally they are frank, inquisitive, and inclined to be confiding. They are untidy, careless of property, and spend money freely, like eastern Indians. Only the old women evince some disposition to hoard for their funerals.

"The slow, steady labor to which the Californian and the Pueblo are inclined is rarely seen among the Mohave. They either lounge in complete relaxation or plunge into sudden and strenuous activity. No physical exertion is too great for them. They make valuable laborers, except that they are rarely dependable for long periods. When they have enough, nothing can hold them to the job. In their own affairs, such as house building and farming, they often work with a veritable fury, and even when hired do not spare themselves. They eat voraciously, but endure hunger without trace of complaint. The demeanor of the men in repose has a certain reserve, as befits a people that fought for pleasure, but they unbend readily, talk volubly, and laugh freely. Jokes are greeted uproariously. All ages and sexes demonstrate their feelings openly. Young men may be seen walking with their arms around each other, fathers kiss their children irrespective of who is about, girls in love manifest their sentiment in every action. There is something very winning in the instantaneousness of the generous Mohave smile. The habitual and slow-dying distrust typical of most of the California Indians does not rest on the Mohave's mind; when he suspects, he complains or accuses. The children are remarkably free from the unconquerable shyness that most Indian youngsters, in California as elsewhere, can not shake off. They often answer even a strange white man readily. Altogether it is a nation half child, half warrior, likable

in its simple spontaneity, and commanding respect with its inherent manliness--as far different from the usual California native as Frenchman and Englishman stand apart...."

Can the student possibly conceive that a man so described be capable of maintaining a lifestyle that includes elements of education, politics, economics and religion? We can understand how the California Indian was on the "open season" list for white hunters when we read this type of academic "truth."

Compare, if you will, the Mohave Story of Creation which comes from the religious philosophy of these "brutish, loping" people.

Historians, anthropologists, and educators, loudly and proudly proclaim that the missing pages in the "dark" past of Indian history were waiting to be supplied by the illuminating "white" light of European intelligence. This intelligence has produced an abundance of terms which are used to identify facets of Indian life as being in a subordinate class. The following quotes have been chosen at random to illustrate this point. These quotes are from writings by recognized authorities.

"...Ignorant they were judged by our standards, but wise in the ways of nature, and shrewd, far shrewder than any of the beasts around them...."

"...Had not the white man broken into their world, they would doubtless be stone boilers still...."

"...Now and then a modern Indian thinks he remembers a tradition, but these are so vague they offer no help...."

"...The Spanish found the California Indians very much like the Pueblo Indians, but slower to learn...."

"...of course, the squaw was always available as a beast of burden...."

"...The whites watched with disgust as the Diggers devoured grasshoppers...."

"...Long before Columbus came to the New World, man had developed various societies in Mexico, Central and South America...."

The desire of some writers and teachers to present the Indian in a more sympathetic light often results in the characterization of him in a quaint, folklike posture. The romantic 19th century view of the noble, oppressed "Redman" is the other alternative to a sympathetic characterization.

The Indian should be shown as a living part of the history that we can not escape. The responsibility of the teacher is to recognize Indian history and development from a cultural basis -- his culture.

Culture is a result of all the factors which influence a people and should be presented in a straightforward, believable manner.

Four main areas of investigation can help the student to understand the "unwritten" past of the Native Americans.

1. Geographical location
2. Language diversity
3. Economic and political activity
4. Religion and philosophy

The expansion of these suggested areas of investigation is left to the creative ability of the teacher and class. None of these areas can be presented independent of the others because of the cross current of influences of cultural elements. It is possible, however, to generalize and still maintain a believable story of the Indian peoples.

This believable story recognizes a living people of great diversity of culture and language, who functioned in an economic and political system which was closely tied to the resource base of their homeland and the relative conservatism of their philosophy and religion.

Historians err and contribute to stereotyping by emphasizing langauge barriers; the pursuit of migratory game, the quaintness of customs, practices, taboos and rituals, etc. This continues the grandiose European based assumption that this phase of history is a subculture link to the past that is luckily still available to serve as a living lab.

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Henry, Jeannette, Costo Rupert. Textbooks and the American Indian. San Francisco: The Indian Historian Press, Inc., 1970.

(Author's Note)

Valuable sources of studies in anthropology, ethnology and archaeology are available in libraries, but should only be utilized by a teacher or class prepared to accept the imperical value of academic information and reject broad assumptions and generalizations which tend to clutter the facts.

SPECIAL PROJECTS AND SUGGESTED MATERIALS

I. Use the description of the Mohave (American Bureau of Ethnology) in this unit to illustrate how respected academic writing degrades a human being. If the stereotyping and degrading tone of this article is not obvious to the teacher, the article should not be used.

II. Investigate methods of keeping records by the Indians.

   a. Paintings, pictographs, carving, etc.

   b. Oral transmission of history and song cycles

III. Research religious practice and belief: Present it as you would your own, i.e., with respect.

IV. Special displays; field trips, films, etc.

   a. Art and artifacts tell much of history: do not over generalize. Use local sources for understanding of local peoples -- museums, private collections, etc.

   b. Language, maps and charts

      1. Contributions of Indian cultures

      2. Place names

      3. Indigenous agricultural crops -- development and use.

UNIT III

"COLUMBUS DISCOVERS INDIANS"

Important Dates

1492	Columbus' first voyage
1517	Martin Luther protests papacy--Protestantism begins
1534	Henry VIII established Church of England
1540	Hernando de Alarcon sailed up the Colorado River to the Yuma area
1542	Rodriguez de Cabrillo - California coastal area
1560	Huguenots persecuted in France
1607	Jamestown colony
1609	Santa Fe founded
1609	Quebec founded
1620	Mayflower Compact
1622	Virginia Company directed to force Indian children from their heathen "unholy" families
1622	Results Opechancanough's first uprising in Virginia
1637	Pequot's War in New England
1643	New England Confederation
1644	Last Indian uprising in Virginia
1675	King Phillip's War
1676	Bacon's Rebellion - the Indians' influence in this historical event
1689-97	King William's War
1692	Salem witchcraft trials
1702	Queen Anne's War

1711-12	Tuscarora War
1722	Abenaki War
1744-48	King George's War
1754	Albany Plan
1754-63	French and Indian War

This unit of study will provide the teacher with specific references to be included in the study of the period of exploration, regarding and emphasizing the role of Indians.

The neglect of history concerning the influence of Indians during this time is mainly the result of an ethnocentric view of the Indians as a "block to progress."

Specific references will be made to dates, events and the impact of the native population on those events. That the Europeans needed to adapt their lifestyles to the Indian way is seldom presented in textbooks, but, in fact, this adaptation is one of the most prominent historical reasons for the white man's success on this continent.

The average teaching tool used to depict the Indians' contribution to America's growth has been limited, for example, to the Thanksgiving myth, and romanticized pictures of Squanto, Powhatan and Pocahantas.

The early invaders of this continent found themselves in an abundant land, but without the necessary skills and knowledge for adaptation to this land. Were it not for the initial friendship, teaching, and help of the native Americans, they could not have adapted so quickly and flourished.

The Exploration Period

A look at European history during this period exposes a Europe full of religious and political turmoil generating much of the exodus to the New World.

The reaction of the Indian to the very different types of confrontation with the Spanish, French and English give the historian an excellent base from which to study the influence of the Indian upon the white man and vice versa.

The Indians of South and Central America came under the "civilizing" influence of Spanish explorers carrying forth their quest for gold and riches under the nominal guise of converting the "heathen" to the "true" religion. Our history texts abound with illustrations and word images portraying the Spanish conquistadore, in shining armor, sword in one hand and a cross in the other.

The Spanish were not seeking a new homeland. Rather, they were in America to further the cause of their own nationalistic ego. Exploration and conquest of riches was in the spirit of "For God and Queen."

The continuing medieval spirit of allegiance of the isolated Iberians never came under the "democratic" influence of the Reformation or the so-called "Enlightenment."

The Spanish approach to the New World population was in the spirit of the Crusades. Indians were there to be mastered and Christianized. It is significant that the last Moors were expelled from Spain in 1492. The Spanish spirit in the New World was a continuation or extension of the feudalism of Spain's past. Evidence today in the patronizing system of the Hacienda relates back to the feudal allegiance of serf to king.

The French explorers and traders, like the Spanish, penetrated this continent in quest of material rather than land gain and not because of pressures like the English. Unlike the Spanish, the French did not especially seek to change or Christianize the Indians, but sought to form trade alliances.

In forming such alliances, the French saw the wisdom of adapting to the Indian way of life. The success of the French in penetrating this continent was due to the success at adapting. The French concentrated mainly on the fur trade and brought to Indians firearms, axes, kettles and blankets in exchange for furs. Because of this reciprocal trade alliance, and the Frenchman's desire to utilize rather than change or Christianize the Indian, it is little wonder that the Indians often sided with the French rather than the English during conflict.

Since history has been based on a chronology of events and conflict has been a prime influence on the changing shape of history, our resources give a most prominent exposure to the English and their failure to co-exist with the native population as they encountered them. Though it is seldom emphasized, the racial "attitude" of the English generated much of the conflict as did the English greed for the Indians' land.

The English attitude is epitomized by the solution to the Pequot resistance to settlement of the Connecticut valley, when in 1637 a party of Puritans surrounded the peaceful village and set fire to it. Cotton Mather, the respected "divine," gave thanks to his Lord that "on this day we have sent 600 heathen souls to hell."

The English colonial came to regard with utmost contempt the Indians' resistance to acknowledge the "blessings" of civilization.

One of the initial contributions to the growing technology of modern warfare is represented by Lord Jeffrey Amherst's subversive distribution of smallpox infected blankets and handkerchiefs to stem the tide of the forces of Pontiac.

The impact of the bands commonly referred to as the Iroquis provide great sources of teaching direction to illustrate the active impact of the Indian on the development of this continent. The Iroquois developed a system of confederated government based on a religious respect for peace. Research into the details of the political system which organized these bands can provide insight into the ideas which eventually evolved into the plans used by the "founding fathers" of the present American form of government.

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SPECIAL PROJECTS AND SUGGESTED MATERIALS

I. Report or essays on the development of new types of military strategy used against Indians.

   a. Propaganda

   b. Guerrilla tactics adapted from Indian style

II. Compare the idealism and attitudes of the participants at Merrymount with the reactionary attitudes of the pilgrims.

   a. Writing of Thomas Merton

   b. Writing of William Bradford

   c. Compare with contemporary events (Woodstock)

III. Special display materials, films, charts, etc.

   a. Maps and charts showing influence of various European groups on Indians and vice versa.

   b. Chart comparing influence of French, Dutch, English, and Spanish culture on Indian: include - economy base - geography - acculturation rate

UNIT IV

"COLONISTS GAIN FREEDOM - INDIANS LOSE THEIRS"

Important Dates

1763	Proclamation of '63. Settlements limited to a demarcation line. (The crest of the Appalachians.)
1764	The English revision of Indian Administration
1764	The Paxton boys ride again
1773	Boston Tea Party
1774	Lord Dunmore calls out the Virginia militia against Chief Cornstalk and his Mingo and Shawnee men.
1775-83	The Revolution
1775	Continental Congress
1777	Brant's warriors join Burgoyne. This incident caused circulation of propaganda (General Horatio Gates).
1778	Psychological Warfare - George Rogers Clark
1779	Gen. John Sullivan scorched earth policy against Iroquois towns and villages.
1783	Proclamation by Congress
1784	Henry Knox, Secretary of War - Indian Policy
1784	The nation's first Indian Treaty - Ft. Stanwix, New York, to re-establish peace with the Iroquois who agreed to relinquish part of western New York, Pennsylvania, and Ohio.
1787	Northwest Ordinance
1790	Little Turtle and Blue Jacket defeat Harmer
1791	Little Turtle defeats St. Clair at Maumee River in Ohio.
1794	Fallen Timbers - Wayne defeats demoralized remnants of Shawnee and Miami tribes

1795	Treaty of Greenville - sets the pattern for "government treaties" and westward movement
	The rise of Indian prophets
1811	Tecumseh visits southern tribes. Harrison exploits his absence to incite "preventive" war. Battle of Tippecanoe.
1812	Frontier Indian wars merge with War of 1812

Much of what is called the ethic of American patriotism derives from the reports of history which emphasize the heroism of the colonist and his battles against an oppressive crown. The period of the Revolution was critically influenced by the activity of the Indian population in both their reaction to the theft of their lands by the frontiersmen and their cooperation with British forces.

To enable a teacher to show a more positive image concerning the impact of the Indians during this period of history, this guide will mention influential Indians and actions which were crucial in the formation of American freedom.

The English "attitude"and inability to negotiate with Indian nations resulted in a series of unenforceable attempts to solve territory conflicts between colonists and Indian nations. The English solution to reduce racial friction was to set barrier lines.

The humane rhetoric of English Common law helped to convince the Indians that they would enjoy the protection of the Crown.

George Washington and Patrick Henry were among the many landowners who dispatched surveyors into the land reserved by the Crown for the Shawnees. Actions such as this clearly illustrate the weakness of the British Crown authority. In 1764 a group of colonial hooligans calling themselves the Paxton boys set upon the "noble" cause of clearing Pennsylvania territory of "redskins." This type of civilian action and authority is a forerunner of like actions of KKK, Texas Ranger, and vigilante groups.

Regarding the actual conduct of the Revolutionary War textbooks give some dutiful acknowledgement to occasional Indian participation and influence. In terms of contemporary concepts of warfare, various incidents involving Indians can be described in contemporary terms, i.e., General Burgoyne's Indian alliance was used as propaganda to rally New Englanders against "the savage scalp-collectors"; George Rogers Clark murdered four bound Indians before the eyes of a British fort for the psychological effect; General John Sullivan executed a scorched earth policy against Iroquois farms, orchards, and villages with the rallying cry of "civilization or death to the savages."

Following the recording of the military success of the revolution, history texts next emphasize the problems of the new national government in determining constitutional powers, human rights, state's rights, and other solutions in developing a unified new nation.

The new government embarks upon a series of confrontations, engagements, ordinances and treaties with the various Indian nations who stand in the way of westward settlement. Key engagements culminate in 1795 with the Treaty of Greenville made with remnants of disorganized and demoralized bands. In exchange for small annuities, the Indians ceded the state of Ohio and a small area of Indiana. The die has been cast for future negotiations between the United States and the Indian peoples.

Tecumseh's dream can provide the type of inspirational history that can build idealism of a positive sort in any young student. We recommend a creative approach to this era of American history giving more than the customary mention of Tecumseh and insure him an authentic place in the developing philosophy of man's great potential.

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SPECIAL PROJECTS AND SUGGESTED MATERIALS

I. Essays

a. The active role played by the Indians in the power play between the Crown and the colonies.

1. The ferment following the French-Indian War.

2. The "Paxton Boys" - forerunners of "vigilante" type groups.

b. Continuing development of military strategy:

1. Psychological warfare - George Rogers Clark tomahawks four Indian hostages in front of British fort.

2. Scorched earth policy - method used against Iroquois.

II. Special In-depth Studies

a. Tecumseh

b. Treaties

c. The position of the new constitution regarding Indians

III. Maps and Charts

Location of Indians: 13 colonies

Treaty lines - Northwest Ordinance, etc.

UNIT V

"INDIAN FIGHTERS SEIZE THE WHITE HOUSE"
1812-1850

Important Dates

1796-1822	Government Factory system
1813-1814	Creek War
1814	Treaty of Ghent
1820	The Missouri Compromise - Rise of sectionalism
1824	Bureau of Indian Affairs established
1828	Andrew Jackson Administration
1830	Removal Bill - All aspects (Three areas of impact - SE REmoval - 1803 Louisiana Purchase - Southeast - Texas and Mexican War - Northwest - Lewis and Clark Oregon Territory)
1830	Gold Discovered in California
1831	Nat Turner Revolt
1834	Indian Reorganization Act
1835-42	Seminole War
1845	Annexation of Texas
1846	War with Mexico
1848	Gold Discovery
1848	Treaty of Guadalupe Hidalgo
1849	Gold Rush
1849	Office of Indian Affairs
1850	Compromise of 1850
1853	Gadsden Purchase - Established present border between Mexico and the United States west of the Rio Grande. Manifest Destiny is achieved from "sea to shining sea."

"In order to facilitate the transfer on Indian lands to the United States, the influential chiefs be encouraged to go into debt, 'because we observe that when these debts get beyond what the individual can pay, they become willing to lop them off by a cession of lands....'" So said American president Thomas Jefferson, who had earlier written "...not a foot of land will ever be taken from the Indians without their consent."

The original intent of the "government store" or factory system was to make available trade goods at cost, in order to compete with the influential English and Spanish traders along the frontier. When, in fact, the government factory system insured that Indian peoples would (1) buy American; (2) would be forced to pay high prices for essential services; (3) enable the federal government to participate legally in the type of swindle mentioned above.

In 1803 a constitutional amendment provided for the exchange of Indian lands east of the Mississippi River for lands in the west. In 1809, three million acres of choice Wabash River land was ceded by the Potowatamis, the Miami, Kickapo, and Eel River tribes to the United States for $8,200.00. In 1808, the Choctaws, falling behind in their flour and bacon bills at the government operated factory stores, were induced to settle their debt by ceding five million acres.

In order to understand the impact of the Indian on the shape of history during this period, examine the administrations of the various presidents. The following article provides the teacher with some background material concerning attitude, action, and impact on Indians by the Presidency.

Manifest Destiny or Manifest Injustice?

The following excerpt is from an article in the Indian Historian, Fall 1968, Volume 1, No. 4, by the distinguised Indian historian, Rupert Costo.

"...Two Virginians held the office of the Chief Executive in succeeding terms of office. James Madison who served from 1809 to 1817, and James Monroe, 1817 to 1825. During Madison's tenure, the great Chief Tecumseh was killed by General Harrison's men during the War of 1812. The deed was done on Canadian soil. General Andrew Jackson became a figure of note in this war. Having secured the friendly aid of the Creeks and Cherokees in the war, Jackson did not hesitate to turn on his friends and in July, 1814, Jackson demanded

and got twenty-three million acres of Creek land, constituting three-fifths of Alabama and one-fifth of George. It is true, the Creeks had chosen war rather than submit to white encroachment and forced land cessions, under whatever disguise. But by this time, the southern tribes, including the Creeks, Cherokees, Chickasaws, Choctaws and Seminoles, were becoming assimilated into American life. Intermarriage was relatively common, especially among the families of chiefs. Indian life took on the aspect of an American state; the Indian state was largely modeled after the United States, complete with Houses of Congress, courts and judiciary.

During Monroe's administration, the insistent voice of the southern states, the onrushing settlers, began to hasten the final destruction of Indian landholdings in the south. Too, the Indians, who had adopted white man's plantation methods in the south, also possessed slaves. But the slaves of the tribes had a somewhat different character than those of the whites. The blacks intermarried with the Indians, becoming accepted into the tribes. Certain areas of the south, such as Florida, were sanctuaries for escaping slaves, and slave hunters penetrated Seminole country time and again in a relentless search for them. Slaves came to the Seminoles for refuge, from the North and the South, established their own villages and became part of the Seminole nation. When Andrew Jackson arbitrarily annexed Florida to the United States in 1818, he bitterly denounced the Indians, saying, "Negro brigades were establishing themselves when and where they pleased, with Seminole help."

President James Monroe, in his first annual message to Congress, December 2, 1817, said, "...the earth was given to mankind to support the greatest number of which it is capable, and no tribe or people have a right to withhold from the wants of others more than is necessary for their own support and comfort...." This philosophy gave the moral fibre needed to the land-grabbers and proponents of forced removal. But Monroe, sickened at the sight of manifest injustice to the Cherokees, said in 1824, in another message to the Congress, "To remove them (the Cherokees) from their present territory by force with a view to their own security and happiness, would be revolting to humanity and utterly unjustifiable." The policy of forced removal, originally suggested by President Jefferson, was officially put into effect nevertheless by Secretary of War John C. Calhoun, under authority of President James Monroe, and carried out with merciless success by President Andrew Jackson.

Under Andrew Jackson's administration, the frame work of future federal Indian policy was established. The country

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is suffering, even today, the results of this superstructure. In all, five important federal statutes were enacted. The Act of May 28, 1830, provided for Indian removal. The Act of July 9, 1832, established the post of commissioner of Indian Affairs. On June 30, 1834, the Indian Trade and Intercourse Act was passed. On the same date, an Act was passed establishing the Department of Indian Affairs (still under jurisdiction of the Department of War). The Act of January 9, 1837, regulated the disposition of proceeds of ceded Indian lands. The powers of the President were clearly spelled out in all five statutes.

Jackson's fame largely rested on his reputation as one of the most ruthless Indian fighters in American history. It was Jackson who led the operations of the American Army against the Seminoles. His administration was studded with the blackest deeds in America's Indian history: Indian removal by force; the death of thousands of Indians upon the trail to the west; frauds flagrantly perpetrated upon Indians by land sharks; his refusal to abide by the treaties or even the laws of the land, or the decisions of the Supreme Court. Indeed, he is to be remembered not alone for his misdeeds against the Indian people. Among other interesting innovations in governmental immorality, the infamous Spoils System was inaugurated by Jackson.

During Jackson's regime, the Choctaws were removed from Mississippi without further negotiations. Five tribes of the south were ordered to move forthwith, from North Carolina, South Carolina, Georgia, Florida, Alabama and Mississippi, to Oklahoma Territory. Existing treaties were totally disregarded. When, under the laws of the United States, the Cherokees appealed to the Supreme Court, the appeal resulted in a decision favorable to the Indians by Chief Justice Marshall. President Jackson is then said to have remarked, "John Marshall has made his decision; let him enforce it." Immediately following the passage of the Removal Act, hundreds of white squatters entered Creek territory. Squatters took the cornfields planted by the Sauks, and the Indians had to cross Rock River to steal their own corn in order to live. Several treaties were executed under Jackson's orders which later proved to be fraudulent, including the Treaty at Payne's Landing, in 1832, the interpreter deliberately falsifying the translation of the treaty with the Seminoles. In 1832, the treaty with the Chickasaws ceded outright all of its land to the United States. The alternative was forced removal by surrounding whites at the point of a gun; or forced removal by the government to any place decided upon by the Indian agents. These people were overrun by whites even before the agreed-upon removal took place. The struggle against the natives was not restricted to the southern tribes;

for, in 1834, white trappers attempted to raid some Hopi gardens in the Southwest. The Hopis resisted. The trappers shot twenty Hopi People. In 1837, towards the end of the Jackson era of infamy, the United States acquired 26 million acres of Indian land for three cents an acre. In that year, slavers invaded Indian camps in Florida, seizing Indian and black children, men and women, indiscriminately. In October the Seminoles came in to surrender and parley for peace. Under a white flag, they were murdered, in violation of international covenants, their leader Osceola being taken at the same time.

During the Jackson era, 74 treaties were concluded with the tribes, all of them under duress and threat of having their lands taken whether or not the tribes signed. Finally, it is interesting to note President Jackson's understanding of the Presidential office, and how it should be run: "The Congress, the Executive and the Court, must each for itself be guided by its own opinion of the Constitution. Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others...the opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges, and on that point the President is independent of both."

Jackson's policies were faithfully carried out by President Martin Van Buren, who took office in 1837. Regarding Cherokee removal, President Van Buren said in December, 1838, with incredible cynicism, "...the measures authorized by Congress at its last session have had the happiest effects. The Cherokees have migrated without any apparent reluctance." Let it be noted that the Cherokee homeland constituted approximately forty thousand square miles in the Valley of the Tennessee, protected by treaties, agreements and mutual covenants of friendship between the United States and the Cherokee Nation. After removal, some tribes received lands upon which others had already been settled. Nevertheless there were leaders who desired some form of unity for purpose of sheer survival. Such efforts were discouraged, in a report of Commissioner of Indian Affairs, T. Harley Crawford, in 1838, who said "...prudential considerations would seem to require that they should be kept distinct from each other...."

In 1849, with the administration of President Zachary Taylor, the Department of the Interior was established, and the Secretary of the Interior, under Title 5, Section 485 of the United States Code, now had supervision over public business relating to the Indians, and by Title 25, Section 2, of the Code, the Commissioner of Indian Affairs was given supervision over the

management of all Indian affairs under the direction of the Secretary of the Interior, "according to regulations prescribed by the President."

During the years 1846 through 1852, a new era of Indian exploitation was opened. The United States, in its war with Mexico, acquired the California and other western territories. On May 12, 1848, the existence of gold in quantity in California was made public by Samuel Brannan, a Bishop of the Mormon Church. From then on, the process of destruction of Indian lands, Indian lives, and Indian cultures reached a high point in American history. By the Treaty of Guadalupe Hidalgo with Mexico, the Indians were assured of protection, and of the right to citizenship. These rights were ignored. Instead, a system of genocide became the rule, especially in the gold country. In 1851, the United States sent three commissioners to negotiate treaties with the Indian tribes of California and 18 such treaties were signed with the reluctant Indians, who were forced to give up the whole of California for the right to survive in small regions of the state. The Senate refused to ratify the California treaties, as the result of an outcry by the California Legislature, which insisted upon taking all the land from the tribes. The Indians kept their part of the treaty bargain; the Government did not. Neither were the Indian tribes informed of the failure to ratify, so that they might demand the return of their land.

Under President Millard Fillmore, from 1850 to 1858, the following lands were taken from the Indian tribes either by forced treaty or under duress, at the point of a gun, or through armed conflict: The Willamette Valley Tribes gave up 7,500,000 acres for $198,000. The Walla Wallas, Cayuses and Umatillas yielded 4,012,800 acres, for $150,000. The Yakimas, Pelouses, Klickitats and other bands in the State of Washington gave the United States 10,828,000 acres, for $200,000; the Des Chutes, 8,110,000 acres, for $435,000; the Flatheads, Kootenais, Upper Pend Doreilles, 14,720,000 acres, for $485,000, and the Rogue Rivers on September 10, 1953, had wrested from them 2, 180,000 acres for $60,000, or three cents an acre, giving the tribe approximately $2.75 each as annual income. Under this condition, the tribe was reduced from nearly 2,000 in 1853, to 909 in 1858."

Although the removal of Southeastern Indians from their homelands involves many Indian tribes, the presentation of the Cherokee epic is best known and documented.

"Civilization or death" was the cry of the European to the Indians of the Northeast. The Cherokee chose "civilization." Here is the story of the Indian going into the mainstream. In 1788, as a result of the treaty of Hopewell, a territorial promise was made in exchange for peace. Within two decades Cherokee leaders developed a governmental system like that of the United States, to the extent of including a bicameral legislature and a capital "city." The Cherokee developed an agrarian lifestyle during this period. In 1813-14, the Cherokee Nation joined Andrew Jackson in a war against the Creeks. (He was later to "repay" them for their support.) In 1810 the Cherokees had a judicial system similar to our present day circuit court to supreme court system. In 1827, the Cherokees had a written constitution.

In spite of the close step of the Cherokee nation to the path of "civilization," white society threw up a roadblock to this advance. The attitude of the frontier spirit of the United States, as epitomized in their elected leader, was destined to prevail.

In the Supreme Court decision upholding the Cherokee claim to treaty rights, President Jackson is quoted as saying, "John Marshall has made his decision, now let him enforce it."

The well documented relocation story of the Indians of the southeast is to be repeated throughout the rest of the country with variations. The history of southwest development, at this time, places the Indian population in the middle of American and Mexican conflict. As the riches and natural abundance of the northwest were revealed, the Indian again blocked the way to "progress." Expansion into this area of the country begins to set the stage for the final defensive stand of the Indian.

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SPECIAL PROJECTS AND SUGGESTED MATERIALS

I. In-Depth studies

   a. Cherokee Nation:

      1. Political structure

      2. Sequoia; alphabet and language

      3. Adaptation and assimilation

   b. Supremist southern attitudes:

      1. Slavery and economy

      2. Relationship of southern states to United States treaties

   c. The Mexican War and its effect on Indians:

      1. Indians' role

      2. Treaty of Guadalupe Hidalgo; how it affects Indians

II. Maps and Charts

   a. Territory acquisitions and annexations; statehood, etc.

   b. Trails west through Indians' homeland

UNIT VI

"LET THEM EAT GRASS"

Important Dates

1842	Crazy Horse born on Rapid Creek Dakota Territory
1835-42	Seminole War
1848	Treaty of Guadalupe Hidalgo brings additional tribes under United States jurisdiction
1849	Office of Indian Affairs transferred to Interior Department
1851	Fort Laramie Treaty Council
1861-65	Civil War
1862	Minnesota Sioux Uprising
1863	Bozeman road through Powder River Country established
1863-64	Kit Carson campaigns against the Navajos and Apaches (The Long Walk of the Navajo)
1864	Sand Creek Massacre, November 28
1866	Fetterman Massacre
1867	Union Pacific Railroad through Sioux (Dakota) Country
1872-73	Modoc War
1876	Custer's defeat by the Sioux (Dakota) at Little Big Horn
1879	Ute War
1885	Last buffalo herd exterminated
1890-91	Ghost Dance Movement
1890	Massacre at Wounded Knee, December 29

Far from government scrutiny and a growing consciousness of a national morality, the discovery of gold, and acquisition of new territory initiates an unending wave of speculators in search of the destiny assured them by the free enterprise system and guaranteed by the military might of our young government.

Although the fact is not emphasized in history texts, the years preceeding and following, as well as during, the Civil War, were disastrous ones for our Indian ancestors. The speculators destroyed the economic base, i.e., the great herd of bison of the Plains Indians, were party to the breaking of treaties with all tribes, and left a path of destruction on their way to gold in California.

According to the textbooks and the traditional method of teaching history, one would believe that there is a dearth of published information devoted to the Indian impact during this period. On the contrary, any respectable bibliography covering this period will provide a wealth of material for any teacher.

The following quote from Jack Forbes' book, Native Americans of California and Nevada, can apply to the entire range of white-Indian conflict and differs only to the degree of government-military participation.

"The United States possesses many sordid chapters in its history, but perhaps none is more sordid than that relating to the conquest of California, typified as it is by great brutality and callousness and what closely approaches genocide. This process can not be examined in detail, since the bulk of California Indians were conquered, and died, in innumerable little episodes rather than in large campaigns. This fact, of course, makes the sequence of events all the more distressing since it serves to indict not a group of cruel leaders, or a few squads of rough soldiers, but, in effect, an entire people; for the conquest of the Native California was above all else a popular, mass enterprise."

This chapter of American history, while its end result was the ultimate defeat of the Indian tribes, is a source of pride for the descendants of those Indians who fought and died for their lands.

The manifest injustice inflicted upon the displaced owners of this land, culminating in a blood bath during this "final solution," is a blot on the image of a nation conceived in "liberty" and "dedicated to the proposition that all men are created equal."

To bring into focus a more comprehensive picture of American history, we recommend the following:

1. Using available published accounts, plan presentations of military campaigns that describe the tactics of both sides, and the events leading up to military encounters.

   a. Black Kettle's War and the Sand Creek Massacre. (Government documents included in the appendix.)

   b. The Utes' War; a splendid account in Bury My Heart At Wounded Knee, by Dee Brown.

   c. The Battle of the Little Big Horn, by Mari Sandoz.

2. Indian names are Indian people; read and use accounts of the "conflict" as seen and told by Indian people.

   a. See Dee Brown - Bury My Heart at Wounded Knee.

   b. Mari Sandoz - Crazy Horse, Strange Man of the Oglalas.

   c. Jack Forbes - Warriors of the Colorado.

   d. Black Elk Speaks

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1. War of the Rebellion: Official Records of the Union and Confederate Armies, Series I. Washington, Government Printing Office, 1891. Pertinent Volumes: 1864-65 XXXIV, Parts I-IV; XLI, Parts I-III; and XLVIII, Parts I-II.

2. House and Senate Executive Documents for the years 1866-75. Pertinent volumes:

   a. House Executive Documents - 39 Cong., 2 sess., Vol. III, pt. 1

House Executive Documents (Cont'd.)

40 Cong., 2 sess., Vol. II, pt. 1
40 Cong., 3 sess., Vol. I, pt. 1
40 Cong., 3 sess., Vol. II, pt. 1
40 Cong., 3 sess., Vol. III, pt. 1
41 Cong., 2 sess., Vol. III

b. Seante Executive Documents -

40 Cong., 1 sess., Nos. 1-20
40 Cong., 1 sess., No. 1308

3. Navajo - United States Treaty, June 1, 1868. Reprint complete text - The Indian Historian, Spring, 1968. Volume I, No. 2, p. 35 ff.

SPECIAL PROJECTS AND SUGGESTED MATERIALS

In the area of civics or American Government:

1. Written materials: The Sand Creek Affair -

   (Dee Brown - Bury My Heart at Wounded Knee - Black Kettle's War)

   Government Documents and transcripts of testimony relating to the San Creek Affair. (To be published in the appendix)

Suggested activities:

1. Do a comparative study on the military and moral position of the United States in its relationship to the Indian and its relationship to the Confederacy and the slavery issue.

2. Using role playing, establish a mock court-martial using contemporary military court techniques. (Sand Creek documents)

3. Compare political systems of the Cheyenne people with that of the dominant American system of the time.

UNIT VII

"A PEOPLE'S DREAM DIED THERE"

UNIT VII

"A people's dream died there. It was a beautiful dream....the nation's hoop is broken and scattered. There is no center any longer, and the sacred tree is dead."

Black Elk

Important Dates

1867 A "Peace Commission" was established and it made a survey of Indian Affairs. They recommended that the "treaty process" be abandoned. A Board of Indian Commissioners were appointed; a period of "graft" ensued.

1871 Congress passed a statute to stop all treaty making with Indian tribes.

1878 Congress makes an appropriation to provide for Indian police which brought about the establishment of the Courts of Indian Offenses in 1883.

1887 The Dawes Severalty Act, or the "Allotment Act," was passed in Congress to divide up Indian lands to individuals.

1910 A Division of Medical Assistance was established after communicable diseases had reduced the population.

1924 Congress enacts a statute to provide for citizenship to all Indians.

1934 The Wheeler-Howard Act was passed (Indian Reorganization Act II) to allow tribes to incorporate with the government.

1946 Congress establishes the Indian Claims Commission to compensate Indian tribes for the loss of land.

1949 Hoover Commission recommends that certain tribes be terminated from federal trusteeship.

1953 Congress agrees, concurrently, to adopt a policy for termination of Indian tribes. Revision in liquor laws stops Indian prohibition. Jurisdiction over Indian lands allowed to be taken over by the states.

1955 Medical Assistance transferred to the Department of Health, Education, and Welfare.

1961 Secretary Udall (Interior) recommends shift away from termination. Commission on Rights...published The Indian: America's Unfinished Business, which concludes that the policies of the 1950's were disastrous.

1966 The Johnson administration suppresses Task Force Report which was critical of the BIA.

1967 Inter-Agency Task Force Report (Bureau of the Budget and O.E.O.) recommendations include "self-determination rather than termination."

1969 Take over of Alcatraz Island by Indians of all tribes. Publication of the Josephy report for the Nixon administration. Publication of Our Brother's Keeper by the Citizen's Advocate Committee.

1970 Nixon policy speech delivered to congress. Rise of Indian Activist groups throughout the country.

1971 Return of sacred land in Blue Lake region to Taos Pueblo Indians. Alcatraz retaken by United States Goverment forces.

Since the last decade of the 19th century, world and national events have propelled the United States into a position of world leadership and dominance in a remarkably short period.

Teaching history, government, and social change during this period has a built in problem. What is important? Where does time and interest dictate the emphasis? The particular point of view or prejudice often dictates the emphasis in the teaching of facts and events.

American government and politics have mostly been influenced or changed by war and economic intercourse during this period. Most domestic areas that are emphasized are: economics, labor, urbanization and industrialization and agrarian reform.

The history of the United States Government Indian policy during this period is an effectively hidden area on the domestic scene.

To the Indian, defeated in war, reduced in number by war, disease, and hunger, herded onto unproductive land, suppressed in politics and culture by a patronizing and vacillating government and public government policy has always been of the utmost importance because it controls every facet of his life.

What is your stake in this aspect of history? Your government and its policy represents your wishes and your decisions.

Using the chronology as a guide, the teacher must use the recommended resource materials (in the bibliography) to bring to light the important events and legislation involving government policy and the Indian.

The authors of this guide feel that it is pointless for the teacher to try to utilize this unit without careful research and reading. Quality not quantity must be the guideline. Highly recommended are: Indians and Other Americans, Our Brother's Keeper, American Indians, and Indians of the Americas--all available in paperback.

Because this is the contemporary period and because there are now writers who have the ability and courage to state the problem and suggest a moral posture, we will recommend through the bibliography up-to-date reports which deal effectively with the problem.

Our initial recommendation is that the teacher carefully present the message of our president (delivered to Congress, July, 1970) as an outstanding contemporary overview of the Indian as the

administration sees him. President Nixon makes specific recommendations for legislation which will help to solve some of these long-standing problems.

Research into the legislative action taken (one year later) can provide insight for the teacher and student into the sincerity of administrative policy.

THE WHITE HOUSE

TO THE CONGRESS OF THE UNITED STATES:

The first Americans--the Indians--are the most deprived and most isolated minority group in our nation. On virtually every scale of measurement--employment, income, education, health--the condition of the Indian people ranks at the bottom.

This condition is the heritage of centuries of injustice. From the time of their first contact with European settlers, the American Indians have been oppressed and brutalized, deprived of their ancestral lands and denied the opportunity to control their own destiny. Even the Federal programs which are intended to meet their needs have frequently proven to be ineffective and demeaning.

But the story of the Indian in America is something more than the record of the white man's frequent aggression, broken agreements, intermittent remorse and prolonged failure. It is a record also of endurance, of survival, of adaptation and creativity in the face of overwhelming obstacles. It is a record of enormous contributions to this country--to its art and culture, to its strength and spirit, to its sense of history and its sense of purpose.

It is long past time that the Indian policies of the Federal government began to recognize and build upon the capacities and insights of the Indian people. Both as a matter of justice and as a matter of enlightened social policy, we must begin to act on the basis of what the Indians themselves have long been telling us. The time has come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions.

Self-Determination Without Termination

The first and most basic question that must be answered with respect to Indian policy concerns the historic and legal relationship between the Federal government and Indian communities. In the past, this relationship has oscillated between two equally harsh and unacceptable extremes.

On the one hand, it has--at various times during previous Administrations--been the stated policy objective of both the Executive and Legislative branches of the Federal government eventually to terminate the trusteeship relationship between the Federal government and the Indian people. As recently as August of 1953, in House Concurrent Resolution 108, the Congress declared that termination was the long-range goal of its Indian policies. This would mean that Indian tribes would eventually lose any special standing they had under Federal law; the tax exempt status of their lands would be discontinued; Federal responsibility for their economic and social well-being would be repudiated; and the tribes themselves would be effectively dismantled. Tribal property would be divided among individual members who would then be assimilated into the society at large.

This policy of forced termination is wrong, in my judgment, for a number of reasons. First, the premises on which it rests are wrong. Termination implies that the Federal government has taken on a trusteeship responsibility for Indian communities as an act of generosity toward a disadvantaged people and that it can therefore discontinue this responsibility on a unilateral basis

whenever it sees fit. But the unique status of Indian tribes does not rest on any premise such as this. The special relationship between Indians and the Federal government is the result instead of solemn obligations which have been entered into by the United States Government. Down through the years, through written treaties and through formal and informal agreements, our government has made specific commitments to the Indian people. For their part, the Indians have often surrendered claims to vast tracts of land and have accepted life on government reservations. In exchange, the government has agreed to provide community services such as health, education and public safety, services which would presumably allow Indian communities to enjoy a standard of living comparable to that of other Americans.

This goal, of course, has never been achieved. But the special relationship between the Indian tribes and the Federal government which arises from these agreements continues to carry immense moral and legal force. To terminate this relationship would be no more appropriate than to terminate the citizenship rights of any other American.

The second reason for rejecting forced termination is that the practical results have been clearly harmful in the few instances in which termination actually has been tried. The removal of Federal trusteeship responsibility has produced considerable disorientation among the affected Indians and has left them unable to relate to a myriad of Federal, State and local assistance efforts. Their economic and social condition has often been worse after termination than it was before.

The third argument I would make against forced termination concerns the effect it has had upon the overwhelming majority of tribes which still enjoy a special relationship with the Federal government. The very threat that this relationship may someday be ended has created a great deal of apprehension among Indian groups and this apprehension, in turn, has had a blighting effect on tribal progress. Any step that might result in greater social, economic or political autonomy is regarded with suspicion by many Indians who fear that it will only bring them closer to the day when the Federal government will disavow its responsibility and cut them adrift.

In short, the fear of one extreme policy, forced termination, has often worked to produce the opposite extreme: excessive dependence on the Federal government. In many cases this dependence is so great that the Indian community is almost entirely run by outsiders who are responsible and responsive to Federal officials in Washington, D.C., rather than to the communities they are supposed to be serving. This is the second of the two harsh approaches which have long plagued our Indian policies. Of the Department of the Interior's programs directly serving Indians, for example, only 1.5 per cent are presently under Indian control. Only 2.4 per cent is a burgeoning Federal bureaucracy, programs which are far less effective then they ought to be, and an erosion of Indian initiative and morale.

I believe that both of these policy extremes are wrong. Federal termination errs in one direction, Federal paternalism errs in the other. Only by clearly rejecting both of these extremes can we achieve a policy which truly serves the best interests of the Indian people. Self-determination among the Indian people can and must be encouraged without the threat of eventual termination. In my view, in fact, that is the only way that self-determination can effectively be fostered.

This, then, must be the goal of any new national policy toward the Indian people: to strengthen the Indian's sense of autonomy without threatening his sense of community. We must assure the Indian that he can assume control of his own life without being separated involuntarily from the tribal group. And we must make it clear that Indians can become independent of Federal control without being cut off from Federal concern and Federal support. My specific recommendations to the Congress are designed to carry out this policy.

1. Rejecting Termination

Because termination is morally and legally unacceptable, because it produces bad practical results, and because the mere threat of termination tends to discourage greater self-sufficiency among Indian groups, I am asking the Congress to pass a new Concurrent Resolution which would expressly renounce, repudiate and repeal the termination policy as expressed in House Concurrent Resolution 108 of the 83rd Congress. This resolution would explicitly affirm the integrity and right to continued existence of all Indian tribes and Alaska native governments, recognizing that cultural pluralism is a source of national strength. It would assure these groups that the United States Government would continue to carry out its treaty and trusteeship obligations to them as long as the groups themselves believed that such a policy was necessary or desirable. It would guarantee that whenever Indian groups decided to assume control or responsibility for government service programs, they could do so and still receive adequate Federal financial support. In short, such a resolution would reaffirm for the Legislative branch--as I hereby affirm for the Executive branch--that the historic relationship between the Federal government and the Indian communities cannot be abridged without the consent of the Indians.

2. The Right to Control and Operate Federal Programs

Even as we reject the goal of forced termination, so must we reject the suffocating pattern of paternalism. But how can we best do this? In the past, we have often assumed that because the government is obliged to provide certain services for Indians, it therefore must administer those same services. And to get rid of Federal administration, by the same token, often meant getting rid of the whole Federal program. But there is no necessary reason for this assumption. Federal support programs for non-Indian communities--hospitals and schools are two ready examples--are ordinarily administered by local authorities. There is no reason why Indian communities should be deprived of the privilege of self-determination merely because they receive monetary support from the Federal government. Nor should they lose Federal money because they reject Federal control.

For years we have talked about encouraging Indians to exercise greater self-determination, but our progress has never been commensurate with our promises. Part of the reason for this situation has been the threat of termination. But another reason is the fact that when a decision is made as to whether a Federal program will be turned over to Indian administration, it is the Federal authorities and not the Indian people who finally make that decision.

This situation should be reversed. In my judgment, it should be up to the Indian tribe to determine whether it is willing and able to assume administrative responsibility for a service program which is presently administered

by a Federal agency. To this end, I am proposing legislation which would empower a tribe or a group of tribes or any other Indian community to take over the control or operation of Federally-funded and administered programs in the Department of the Interior and the Department of Health, Education and Welfare whenever the tribal council or comparable community governing group voted to do so.

Under this legislation, it would not be necessary for the Federal agency administering the program to approve the transfer of responsibility. It is my hope and expectation that most such transfers of power would still take place consensually as a result of negotiations between the local community and the Federal government. But in those cases in which an impasse arises between the two parties, the final determination should rest with the Indian community.

Under the proposed legislation, Indian control of Indian programs would always be a wholly voluntary matter. It would be possible for an Indian group to select that program or that specified portion of a program that it wants to run without assuming responsibility for other components. The "right of retrocession" would also be guaranteed; this means that if the local community elected to administer a program and then later decided to give it back to the Federal government, it would always be able to do so.

Appropriate technical assistance to help local organizations successfully operate these programs would be provided by the Federal government. No tribe would risk economic disadvantage from managing its own programs; under the proposed legislation, locally-administered programs would be funded on equal terms with similar services still administered by Federal authorities. The legislation I propose would include appropriate protections against any action which endangered the rights, the health, the safety or the welfare of individuals. It would also contain accountability procedures to guard against gross negligence or mismanagement of Federal funds.

This legislation would apply only to services which go directly from the Federal government to the Indian community; those services which are channeled through State or local governments could still be turned over to Indian control by mutual consent. To run the activities for which they have assumed control, the Indian groups could employ local people or outside experts. If they chose to hire Federal employees who had formerly administered these projects, those employees would still enjoy the privileges of Federal employee benefit programs--under special legislation which will also be submitted to the Congress.

Legislation which guarantees the right of Indians to contract for the control or operation of Federal programs would directly channel more money into Indian communities, since Indians themselves would be administering programs and drawing salaries which now often go to non-Indian administrators. The potential for Indian control is significant, for we are talking about programs which annually spend over $400 million in Federal funds. A policy which encourages Indian administration of these programs will help build greater pride and resourcefulness within the Indian community. At the same time, programs which are managed and operated by Indians are likely to be more effective in meeting Indian needs.

I speak with added confidence about these anticipated results because of the favorable experience of programs which have already been turned over to Indian control. Under the auspices of the Office of Economic Opportunity, Indian communities now run more than 60 community action agencies which are located on Federal reservations. OEO is planning to spend some $57 million in Fiscal Year 1971 through Indian-controlled grantees. For over four years, many OEO funded programs have operated under the control of local Indian organizations and the results have been most heartening.

Two Indian tribes--the Salt River Tribe and the Zuni Tribe--have recently extended this principle of local control to virtually all of the programs which the Bureau of Indian Affairs has traditionally administered for them. Many Federal officials, including the Agency Superintendent, have been replaced by elected tribal officers or tribal employees. The time has now come to build on these experiences, and to extend local Indian control--at a rate and to the degree that the Indians themselves establish.

3. Restoring the Sacred Lands Near Blue Lake

No government policy toward Indians can be fully effective unless there is a relationship of trust and confidence between the Federal government and the Indian people. Such a relationship cannot be completed overnight; it is inevitably the product of a long series of words and actions. But we can contribute significantly to such a relationship by responding to just grievances which are especially important to the Indian people.

One such grievance concerns the sacred Indian lands at and near Blue Lake in New Mexico. From the fourteenth century the Taos Pueblo Indians used these areas for religious and tribal purposes. In 1906, however, the United States Government appropriated these lands for the creation of a national forest. According to a recent determination of the Indian Claims Commission, the government "took said lands from petitioner without compensation."

For 64 years, the Taos Pueblo has been trying to regain possession of this sacred lake and watershed area in order to preserve it in its natural condition and limit its non-Indian use. The Taos Indians consider such action essential to the protection and expression of their religious faith.

The restoration of the Blue Lake lands to the Taos Pueblo Indians is an issue of unique and critical importance to Indians throughout the country. I therefore take this opportunity wholeheartedly to endorse legislation which would restore 48,000 acres of sacred land to the Taos Pueblo people, with the statutory promise that they would be able to use these lands for traditional purposes and that except for such uses the lands would remain forever wild.

With the addition of some perfecting amendments, legislation now pending in the Congress would properly achieve this goal. That legislation (H.R. 471) should promptly be amended and enacted. Such action would stand as an important symbol of this government's responsiveness to the just grievances of the American Indians.

4. Indian Education

One of the saddest aspects of Indian life in the United States is the low quality of Indian education. Drop-out rates for Indians are twice the national average and the average educational level for all Indians under Federal supervision is less than six school years. Again, at least a part of the problem stems from the fact that the Federal government is trying to do for Indians what many Indians could do better for themselves.

The federal government now has responsibility for some 221,000 Indian children of school age. While over 50,000 of these children attend schools which are operated directly by the Bureau of Indian Affairs, only 750 Indian children are enrolled in schools where the responsibility for education has been contracted by the BIA to Indian school boards. Fortunately, this condition is beginning to change. The Ramah Navajo Community of New Mexico and the Rough Rock and Black Water Schools in Arizona are notable examples of schools which have recently been brought under local Indian control. Several other communities are now negotiating for similar arrangements.

Consistent with our policy that the Indian community should have the right to take over the control and operation of federally funded programs, we believe every Indian community wishing to do so should be able to control its own Indian schools. This control would be exercised by school boards selected by Indians and functioning much like other school boards throughout the nation. To assure that this goal is achieved, I am asking the Vice President, acting in his role as Chairman of the National Council on Indian Opportunity, to establish a Special Education Subcommittee of that Council. The members of that Subcommittee should be Indian educators who are selected by the Council's Indian members. The Subcommittee will provide technical assistance to Indian communities wishing to establish school boards, will conduct a nationwide review of the educational status of all Indian school children in whatever schools they may be attending, and will evaluate and report annually on the status of Indian education, including the extent of local control. This Subcommittee will act as a transitional mechanism; its objective should not be self-perpetuation but the actual transfer of Indian education to Indian communities.

We must also take specific action to benefit Indian children in public schools. Some 141,000 Indian children presently attend general public schools near their homes. Fifty-two thousand of these are absorbed by local school districts without special Federal aid. But 89,000 Indian children attend public schools in such high concentrations that the State or local school districts involved are eligible for special Federal assistance under the Johnson-O'Malley Act. In Fiscal Year 1971, the Johnson-O'Malley program will be funded at a level of some $20 million.

This Johnson-O'Malley money is designed to help Indian students, but since funds go directly to the school districts, the Indians have little if any influence over the way in which the money is spent. I therefore propose that the Congress amend the Johnson-O'Malley Act so as to authorize the Secretary of the Interior to channel funds under this act directly to Indian tribes and communities. Such a provision whould give Indians the ability to help shape the schools which their children attend and, in some instances, to set up new school systems of their own. At the same time, I am directing the Secretary of the Interior to make every effort to ensure that Johnson-O'Malley funds which are presently directed to public school districts are actually spent to improve the education of Indian children in these districts.

5. Economic Development Legislation

Economic deprivation is among the most serious of Indian problems. Unemployment among Indians is ten times the national average; the unemployment rate runs as high as 80 per cent on some of the poorest reservations. Eighty per cent of reservation Indians have an income which falls below the poverty line; the average annual income for such families is only $1,500. As I said in September of 1968, it is critically important that the Federal government support and encourage efforts which help Indians develop their own economic infrastructure. To that end, I am proposing the "Indian Financing Act of 1970."

This act would do two things:

1. It would broaden the existing Revolving Loan Fund, which loans money for Indian economic development projects. I am asking that the authorization for this fund be increased from approximately $25 million to $75 million.

2. It would provide additional incentives in the form of loan guarantees, loan insurance and interest subsidies to encourage private lenders to loan more money for Indian economic projects. An aggregate amount of $200 million would be authorized for loan guarantee and loan insurance purposes.

I also urge that legislation be enacted which would permit any tribe which chooses to do so to enter into leases of its land for up to 99 years. Indian people now own over 50 million acres of land that is held in trust by the Federal government. In order to compete in attracting investment capital for commercial, industrial and recreational development of these lands, it is essential that the tribes be able to offer long-term leases. Long-term leasing is preferable to selling such property since it enables tribes to preserve the trust ownership of their reservation homelands. But existing law limits the length of time for which many tribes can enter into such leases. Moreover, when long-term leasing is allowed, it has been granted by Congress on a case-by-case basis, a policy which again reflects a deep-rooted pattern of paternalism. The twenty reservations which have already been given authority for long-term leasing have realized important benefits from that privilege and this opportunity should now be extended to all Indian tribes.

Economic planning is another area where our efforts can be significantly improved. The comprehensive economic development plans that have been created by both the Pima-Maricopa and the Zuni Tribes provide outstanding examples of interagency cooperation in fostering Indian economic growth. The Zuni Plan, for example, extends for at least five years and involves a total of $55 million from the Departments of Interior, Housing, and Urban Development, and Health, Education and Welfare and from the Office of Economic Opportunity and the Economic Development Administration. I am directing the Secretary of the Interior to play an active role in coordinating additional projects of this kind.

6. More Money for Indian Health

Despite significant improvements in the past decade and a half, the health of Indian people still lags 20 to 25 years behind that of the general population. The average age of death among Indians is 44 years, about one-third less than the national average. Infant mortality is nearly 50% higher for

Indians and Alaska natives than for the populations at large; the tuberculosis rate is eight times as high and the suicide rate is twice that of the general population. Many infectious diseases such as trachoma and dysentary that have all but disappeared among other Americans continue to afflict the Indian people.

This Administration is determined that the health status of the first Americans will be improved. In order to initiate expanded efforts in this area, I will request the allocation of an additional $10 million for Indian health programs for the current fiscal year. This strengthened Federal effort will enable us to address ourselves more effectively to those health problems which are particularly important to the Indian community. We understand, for example, that areas of greatest concern to Indians include the prevention and control of alcoholism, the promotion of mental health and the control of middle-ear disease. We hope that the ravages of middle-ear disease--a particularly acute disease among Indians--can be brought under control within five years.

These and other Indian health programs will be most effective if more Indians are involved in running them. Yet--almost unbelievably--we are presently able to identify in this country only 30 physicians and fewer than 400 nurses of Indian descent. To meet this situation, we will expand our efforts to train Indians for health careers.

7. Helping Urban Indians

Our new census will probably show that a larger proportion of America's Indians are living off the reservation than ever before in our history. Some authorities even estimate that more Indians are living in cities and towns than are remaining on the reservation. Of those American Indians who are now dwelling in urban areas, approximately three-fourths are living in poverty.

The Bureau of Indian Affairs is organized to serve the 462,000 reservation Indians. The BIA's responsibility does not extend to Indians who have left the reservation, but this point is not always clearly understood. As a result of this misconception, Indians living in urban areas have often lost out on the opportunity to participate in other programs designed for disadvantaged groups. As a first step toward helping the urban Indians, I am instructing appropriate officials to do all they can to ensure that this misunderstanding is corrected. But misunderstandings are not the most important problem confronting urban Indians. The biggest barrier faced by those Federal, State and local programs which are trying to serve urban Indians is the difficulty of locating and identifying them. Lost in the anonymity of the city, often cut off from family and friends, many urban Indians are slow to establish new community ties. Many drift from neighborhood to neighborhood; many shuttle back and forth between reservations and urban areas. Language and cultural differences compound these problems. As a result, Federal, State and local programs which are designed to help such persons often miss this most deprived and least understood segment of the urban poverty population.

This Administration is already taking steps which will help remedy this situation. In a joint effort, the Office of Economic Opportunity and the Department of Health, Education and Welfare will expand support to a total of seven urban Indian centers in major cities which will act as links between

existing Federal, State and local service programs and the urban Indians. The Departments of Labor, Housing and Urban Development and Commerce have pledged to cooperate with such experimental urban centers and the Bureau of Indian Affairs has expressed its willingness to contract with these centers for the performance of relocation services which assist reservation Indians in their transition to urban employment.

These efforts represent an important beginning in recognizing and alleviating the severe problems faced by urban Indians. We hope to learn a great deal from these projects and to expand our efforts as rapidly as possible. I am directing the Office of Economic Opportunity to lead these efforts.

8. Indian Trust Counsel Authority

The United States government acts as a legal trustee for the land and water rights of American Indians. These rights are often of critical economic importance to the Indian people; frequently they are also the subject of extensive legal dispute. In many of these legal confrontations, the Federal government is faced with an inherent conflict of interest. The Secretary of the Interior and the Attorney General must at the same time advance both the national interest in the use of land and water rights and the private interests of Indians in land which the government holds as trustee.

Every trustee had a legal obligation to advance the interests of the beneficiaries of the trust without reservation and with the highest degree of diligence and skill. Under present conditions, it is often difficult for the Department of the Interior and the Department of Justice to fulfill this obligation. No self-respecting law firm would ever allow itself to represent two opposing clients in one dispute; yet the Federal government has frequently found itself in precisely that position. There is considerable evidence that the Indians are the losers when such situations arise. More than that, the credibility of the Federal government is damaged whenever it appears that such a conflict of interest exists.

In order to correct this situation, I am calling on the Congress to establish an Indian Trust Counsel Authority to assure independent legal representation for the Indians' natural resources rights. This Authority would be governed by a three-man board of directors, appointed by the President with the advice and consent of the Senate. At least two of the board members would be Indian. The chief legal officer of the Authority would be designated as the Indian Trust Counsel.

The Indian Trust Counsel Authority would be independent of the Departments of the Interior and Justice and would be expressly empowered to bring suit in the name of the United States in its trustee capacity. The United States would waive its sovereign immunity from suits in connection with litigation involving the Authority.

9. Assistant Secretary for Indian and Territorial Affairs

To help guide the implementation of a new national policy concerning American Indians, I am recommending to the Congress the establishment of a new position in the Department of the Interior--Assistant Secretary for Indian and Territorial Affairs. At present, the Commissioner of Indian Affairs reports to the

Secretary of the Interior through the Assistant Secretary for Public Land Management--an officer who has many responsibilities in the natural resources area which compete with his concern for Indians. A new Assistant Secretary for Indian and Territorial Affairs would have only one concern--the Indian and territorial peoples, their land, and their progress and well-being. Secretary Hickel and I both believe this new position represents an elevation of Indian affairs to their proper role within the Department of the Interior and we urge Congress to act favorably on this proposal.

Continuing Programs

Many of the new programs which are outlined in this message have grown out of this Administration's experience with other Indian projects that have been initiated or expanded during the last 17 months.

The Office of Economic Opportunity has been particularly active in the development of new and experimental efforts. OEO's Fiscal Year 1971 budget request for Indian-related activities is up 18 per cent from 1969 spending. In the last year alone--to mention just two examples--OEO doubled its funds for Indian economic development and tripled its expenditures for alcoholism and recovery programs. In areas such as housing and home improvement, health care, emergency food, legal services and education, OEO programs have been significantly expanded. As I said in my recent speech on the economy, I hope that the Congress will support this valuable work by appropriating the full amount requested for the Economic Opportunity Act.

The Bureau of Indian Affairs has already begun to implement our policy of contracting with local Indians for the operation of government programs. As I have noted, the Salt River Tribe and the Zuni Tribe have taken over the bulk of Federal services; other projects ranging from job training centers to high school counseling programs have been contracted out to Indian groups on an individual basis in many areas of the country.

Economic development has been stepped up. Of 195 commercial and industrial enterprises which have been established in Indian areas with BIA assistance, 71 have come into operation within the last two years. These enterprises provide jobs for more than 6,000 Indians and are expected to employ substantially more when full capacity is reached. A number of these businesses are now owned by Indians and many others are managed by them. To further increase individual Indian ownership, the BIA has this month initiated the Indian Business Development Fund which provides equity capital to Indians who go into business in reservation areas.

Since late 1967, the Economic Development Administration has approved approximately $80 million in projects on Indian reservations, including nearly $60 million in public works projects. The impact of such activities can be tremendous; on the Gila River Reservation in Arizona, for example, economic development projects over the last three years have helped to lower the unemployment rate from 56 to 18 per cent, increase the median family income by 150 per cent and cut the welfare rate by 50 per cent.

There has been additional progress on many other fronts since January of 1969. New "Indian Desks" have been created in each of the human resource departments of the Federal government to help coordinate and accelerate Indian programs. We have supported an increase in funding of $4 million for the Navajo Irrigation Project. Housing efforts have picked up substantially; a new Indian Police Academy has been set up; Indian education efforts have been expanded--including an increase of $848,000 in scholarships for Indian college students and the establishment of the Navajo Community College, the first college in America planned, developed and operated by and for Indians. Altogether, obligational authority for Indian programs run by the Federal Government has increased from a little over $598 million in Fiscal Year 1970 to almost $626 million in Fiscal Year 1971.

Finally, I would mention the impact on the Indian population of the series of welfare reform proposals which I have sent to the Congress. Because of the high rate of unemployment among Indians, there is probably no other group in the country that would be helped as directly and as substantially by programs such as the new Family Assistance Plan and the proposal Family Health Insurance Plan. It is estimated, for example, that more than half of all Indian families would be eligible for Family Assistance benefits and the enactment of this legislation is therefore of critical importance to the American Indian.

This Administration has broken a good deal of new ground with respect to Indian problems in the last 17 months. We have learned many things and as a result we have been able to formulate a new approach to Indian affairs. Throughout this entire process, we have regularly consulted the opinions of the Indian people and their views have played a major role in the formulation of Federal policy.

As we move ahead in this important work, it is essential that the Indian people continue to lead the way by participating in policy development to the greatest possible degree. In order to facilitate such participation, I am asking the Indian members of the National Council on Indian Opportunity to sponsor field hearings throughout the nation in order to establish continuing dialogue between the Executive branch of government and the Indian population of our country. I have asked the Vice President to see that the first round of field hearings are completed before October.

* * * * * * *

The recommendations of this Administration represent an historic step forward in Indian policy. We are proposing to break sharply with past approaches to Indian problems. In place of a long series of piecemeal reforms, we suggest a new and coherent strategy. In place of policies which simply call for more spending, we suggest policies which call for wiser spending. In place of policies which oscillate between the deadly extremes of forced termination and constant paternalism, we suggest a policy in which the Federal government and the Indian community play complementary roles. But most importantly,

we have turned from the question of whether the Federal government has a responsibility to Indians to the question of how that responsibility can best be fulfilled. We have concluded that the Indians will get better programs and that public monies will be more effectively expended if the people who are most affected by these programs are responsible for operating them.

The Indians of America need Federal assistance--this much has long been clear. What has not always been clear, however, is that the Federal government needs Indian energies and Indian leadership if its assistance is to be effective in improving the conditions of Indian life. It is a new and balanced relationship between the United States government, and the first Americans that is at the heart of our approach to Indian problems. And that is why we now approach these problems with new confidence that they will successfully be overcome.

Richard Nixon

The White House
July 8, 1970

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UNIT VIII

"THE ONLY GOOD INDIAN IS A DEAD INDIAN"

The California Story

Important Dates

1539 First Spanish expeditions into the California area.

1542 Cabrillo visits California coast.

1550-1769 Mission--Fort system called Presidio established. Coastal area.

1775 Kumeyay (Diegueno) Indians destroy Mission San Diego de Alcala. First serious revolt against the missions.

1776 San Francisco attacked by Indians revolting against cruel Mission practices

1781 Quechan rebel against forced Christianization, destroy garrisons and drive Spanish out of Colorado River area.

1782-3 Quechans repel later attacks and maintain political and tribal autonomy.

1785 Tongvas attack San Gabriel Mission. The Hapchivitam and a woman religious leader, Toypurina, lead the revolt.

1793-95 Indians flee San Francisco in mission revolt.

1804 San Miguel Mission hold chief's son in extortion plot to gain his cooperation in Christianizing his people.

1822 Coastal California becomes part of Mexican Republic.

1822 By this date, 50,000 Indians have died of "new" diseases, such as smallpox, diptheria, and other by-products of civilization.

1834-47 Vallejo empire enslaves Indians. The Pomo and Wappo valiantly fight back.

1840's-1860's	Slave raids from New Mexico capture southern Paiutes.
1848-49	Gold discovered. Opportunity calls entrepeneurs from all corners of the earth. Money-hungry grubbers toil diligently side-by-side with investor-backed professionals.
1849	Stone-Kelsey are killed by Indian slaves. The reaction brings about the massacre of the Pomo band by whites.
1851-52	Southern California bands led by Juan Antonio stage final revolt against whites, but are crushed by United States military forces.
1851-65	Eighteen separate treaties made with the Indian tribes; all broken or repudiated by Congress.
1870-85	Sarah Winnemucca, a northern Paiute, campaigns for rights and dignity.
1872-73	Modoc War: Kintpuash (Captain Jack) and his small band defend a desolate position in the lava beds.
1887	Wovoka, Paiute prophet, spreads Ghost Dance religion.
1890-95	Senator Wm. Stewart tries to take away reservations.
1918	Northern California Indians organize to seek justice.
1920	Northern California Indians institute action which results in Indian land claim cases.
1920-22	Mission Indians'federation resists injustices.
1924	Indians win legal right to attend public school.
1928	Meriam Report criticizes Indian Bureau.
1934	Wheeler-Howard Indian Reorganization Act.
1946	Indian Claims Commission created by Congress.
1949	Hoover Commission advocates termination.
1953	Termination Resolution in Congress.
1953	Indian prohibition repealed.

1954	Civil Rights movement gains momentum.
1960's	California Indians organize into tribal council for political unity.
	Indian parents and educators organize California Indian Education Association on a state wide basis.
	Organization of rural health boards begin a gradual move towards administration of Indian health programs by Indians.
1969	Alcatraz.
1970's	Special programs initiated in some state colleges and universities to attract Indian students and develop Indian Studies programs.

Californians are proud of California. It is a state of many attractions and great diversity. California is number one in population, fruit and vegetable production, aircraft and space industry, deserts, mountains, and shoreline, colleges, religions, extremists, crime and prisons, freeways and movie stars. People flock to the west coast to live, work and play in the golden state. And, tourists come by the thousands to see and experience all those things California has to offer.

There are many aspects of California history which the tourist "learns" as he travels throughout the state. He hears of Coronado and the other explorers, who discovered this coast. He visits the missions and leaves with a view of a "romantic" past. He wanders the streets and graveyards of places where gold was discovered and which later became ghost towns--where riches are still made.

He can go home and tell the folks about the great vineyards and wineries where he sampled excellence; he will exclaim about the freeways and cable cars, Marineland and Disneyland. He might even go home with a few Spanish words, for he will have experienced and learned about another facet of California and he has souvenirs from the border town to prove it. He will leave tanned, broke, perhaps, but satisfied, because he has seen and learned about beautiful, exciting California--except for one thing. He has not been made aware, (and he differs in this only slightly from those who live in California) of the really impressive period of California history, impressive and tragic.

There is a chapter in California's history which is omitted in the story of the State's sudden and explosive rise to greatness. This chapter contains the story of the people who were here before Coronado's grandfather was born, (even before that) how those people really lived and how they suffered and died when strangers descended upon them.

What has been said and what has been taught about the California Indian population has been dishonest, misleading, inaccurate and ethnocentric--to the point of depicting the California Indian, then and now as stone-age people.

First the padres, then the settlers, next the experts, i.e. anthropologists and ethnologists and now, most of the text-books, have all contributed to a storehouse of debasing, degrading, dishonest and offensive material about the California Indians.

The teacher with a sensitive and creative approach will bring critical judgment to the selection and presentation of information about California Indians.

Observations and explanations of Indians contained in the following words of "experts"cannot be tolerated as acceptable information to be taught in the classroom. The perpetuation of this kind of information would be unacceptable in any classroom and unforgivable where Indian children are present.

"...the head was handed to a boy or girl...the youngster seized the skin with his teeth and drew it off...."
Yuki "revenge" ceremony reported by A. L. Kroeber.

"..It is said that the dancers took turns at setting the scalp on their own heads...."Diegueno - Luiseno custom.. reported by Kroeber.

"...the very language, which is spoken by a people without religion, without government or laws, without honor or shame, without clothing or dwelling, who busied themselves about nothing, spoke of nothing, thought of nothing, cared for nothing, save how to fill their stomach and how to gratify their carnal appetites, must be deficient. They had words for scarcely anything that could not be seen, heard, touched or tasted. This made it extremely difficult for the missionaries to convey the lofty ideas concerning the unseen, supernatural world...." From the Administration of Fr. J. Serra, Volume II of Misions and Missionaries reported by Fr. Boscona.

"..Naturally pusillanimous, weak in development, sunk below the common baser passions of the savage, more improvident than birds, more beastly than beasts, it may be possible to conceive of a lower phase of humanity but I confess my inability to do so...." Native Races....Bancroft.

"...They were 'Diggers' filthy and cowardly, succumbing with a blow to the rule of foreign masters. Perhaps the mild, motherly sort of treatment white priests met with, disarmed them.... They were as contemptible physically as intellectually.. ..Venages thought the Lower Californian to be the most stupid and weak....settlers of Upper California, who had seen them both thought the northern natives far inferior...." from the History of California by Tuthill.

"...they were called 'diggers' because the women and children were always digging around in the ground for seeds and bugs. The bugs were roasted and salted and eaten. They were very delicious, if you happen to like roasted bugs...."from a supplemental text published by a California school district for Junior High level teaching about local Indians.

"..The Indians at the missions ate more regularly than they had when they were wild. The padres took care of them in many ways. The Indians had the feeling of being part of something much bigger than the old Indian village....On the whole, they must have felt better off than before...."

"...They were known as 'horse thief Indians.' They usually ran off the horses rather than cattle, because they liked to eat horses...."from a 1965 California State adopted text book.

This type of irresponsible writing, full of conjecture and biased generalizations, has had a devastating effect on the image and self-concept of the Indian in California. Much of Indian history is omitted in text and teaching. This omission can and must be rectified. This can be done in the following ways:

1. Use critical judgment in the selection of materials.

2. Use only those texts, resource books, and other materials which have been approved by the American Indian Historical Society and the California Indian Education Association, i.e. the experts.

3. Seek the wisdom of those who know, the Indian himself. In every Indian community there are respected members who know the history and culture of the people.

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APPENDIX

A study of American Indians is an integral part of every child's elementary education, and it is up to the teacher to find adequate information with which to instruct the child and help him grasp the rich culture of these Native Americans. Teaching of Indian songs and music should be an important part of this study. This handbook is written in order to help guide the teacher while looking for information. There are two parts - books and recordings.

Books used as reference material are invaluable in helping the teacher get a background and feeling for the flavor of the music. The following books are excellent for that purpose:

THE TSIMSHIAN: THEIR ARTS AND MUSIC, by Marius Barbeau, Seattle, University of Washington Press, 1951.

AMERICAN INDIAN SONG LYRICS, Nellie Barnes, New York, MacMillan Company, 1925.

SONGS OF THE NEW DAWN, Vincent Brown, Healdsburg, California, Naturegraph Books. An illustrated booklet of inspirational poetry. $.35

THE RHYTHM OF THE REDMAN, by Julia M. Buttree, Healdsburg, California, Indian songs and tunes in detail. $5.00

INDIAN SONG BOOK, Jean Allard Jeancon, Denver, Colorado, Denver Allied Arts, 1925

SONGS OF THE TEWA, by H. J. Spindon, New York, 1933

SONGS OF THE YOKUTS AND PAIUTES OF CALIFORNIA AND NEVADA, by Alfred Pietroforte, Healdsburg, California, Naturegraph Books. Seventy-two page book book of Indian folk songs adapted for grade school use. Cloth $3.50, Paper $1.50.

Naturegraph Books also publishes a large collection of books about American Indians - stories, arts, legends, biographies, etc. Also, a lot of valuable information can be obtained from The Indian Arts and Crafts Board, Washington, D. C., about where to write for books and music.

Recordings are by far the best source of material for teaching Indian music to children. Many excellent recordings are available about almost every tribe, and also about the Native American Church peyote songs. The following recordings are available from Canyon Records (CR), Indian House Records (IHR), Folkways Recordings (FLK), Asch Recordings (AHM), and the Library of Congress (LC):

APACHE

"Apache" CR #6053, $4.98. Fourteen songs by Philip and Patsy Cassadore.

"Philip Cassadore Sings Apache Songs"CR #6056, $4.98

"Music of the Plains Apache" AHM #4252, $7.95 (Asch Mankind Series). Recorded and edited by John Beatty. Children's songs, Peyote songs, churchsongs.

PUEBLO

"Pueblo"LC #1443, $4.95, Songs of the Taos, San Ildefonso, Zuni, Hopi. Taos War Dance, Zuni Rain Dance, Hopi Butterfly Dance, more.

"Zuni" CR #6060, $4.98, Thirteen Dance songs from the Zuni Pueblo sung by Lew Quetawki and Shebaba groups.

"Laguna" CR #6058, $4.98, Twelve previously unrecorded selections.

"New Mexico Round Dance Songs of Taos" IHR #1001, #1002, two volumes.

"Hopi Katchina Songs" FLK #4394.

NATIVE AMERICAN CHURCH

"Chants of the Native American Church" CR #6063, $4.98, Five groups of Peyote rite chants.

"Peyote" CR #6054, $4.98. Fourteen songs from the Native American Church.

PAWNEE

"Music of the Pawnee" FLK #4334

"Songs of the Pawnee and Northern Ute" LC #L25, $4.95. Ghost Dance songs, handgame songs, war songs, Sun Dance songs, parade songs. Recorded and edited by Frances Densmore.

OTHERS

'Mexico" FLK #4413. Mexican Indian songs recorded by Henrietta Yurchnco.

"Yaqui Dances of Mexico" FLK #6957

"Songs of the Yuma, Cocopa and Yaqui" LC #25, $4.95. Yuma Deer Dance songs, Cocopa songs with Cremation legend, others.

"The Song of the Indian" CR #6050, $3.98. Apache Mountain Spirit Dance, Zuni Buffalo Dance, Sioux Love Song, Hopi Butterfly Dance, Taos Horsetail Dance, Navajo Yeibechai.

"Great Lakes Indian Songs and Dances" FLK #4003

"Indian Music of the Southwest" FLK #8850. Recorded by Laura Bolton.

"Authentic American Indian Songs" FLK #1000.

"Healing Songs from the Densmore Collection" FLK #4251.

"Songs of the Papago" LC #L31, $4.95, Recorded and edited by Frances Densmore. Legend and ceremony songs, treatment of the sick, dream songs, war, others.

"Songs of the Nootka and Quileute" LC #L32, $4.95. Five Potlatch songs, social dance and gathering songs dream songs, three songs for children, two story songs.

"Songs of the Monominee, Mandan and Hidatsa: LC #33, $4.95. Songs of the Drum Religion, Mandan song of the Goose Women Society, Hidatsa song in the Gardens, Mandan song of the Eagle Catching Camp, others.

"Indian Songs of Today" LC #36, $4.95. Recorded and edited by Willard Rhodes. Seminole Duck Dance, Creek Lullaby, Navajo Song of Happiness, Tewa Basket Dance, San Juan Pueblo Buffalo Dance, Kiowa Round Dance, Feather Dance, many others.

The Library of Congress' Recording laboratory also has collections of records from the following tribes:

Iroquois Longhouse: Coldspring Longhouse, Chippewa, Northwest (Puget Sound), Delaware, Cherokee, Choctaw, Creek, Paiute, Washo, Ute, Bannock, Shoshone.

Canyon Records has a wide selection of 78 r.p.m. and 45 r.p.m. singles availableat $1.50 and $1.20 each, respectively. Available are songs from the Apache, Arapaho, Arikara, Cheyenne, Hopi, Jemez, Kiowa, Laguna, Omaha, Papago, Pima, Navajo, Santa Anna, Shawnee, Tewa, Taos, Ute, Sioux, Zuni, Crow Ponca, and various Plains Indians.

Columbia Records has one recording of American Indian music, "Bitter Tears" by Johnny Cash (CS 9048) available at most local record stores. Vanguard Records records lyrics by Buffy Saint-Marie, an Indian singer who has achieved national fame.

The recording companies are all willing to send a catalog of their available selections about American Indians, usually at no charge. The following are addresses for companies with a large selection of American Indian music records:

Canyon Records
6050 North Third Street
Phoenix, Arizona, 85012

Indian House Records
P. O. Box 472
Taos, New Mexico, 87571

Folkways Records
50 West 44th Street
New York, New York, 10036

Library of Congress
Music Division
Washington, D. C. 20540

Indian Records and Supplies
P. O. Box 18681
Oklahoma City, Oklahoma, 73118

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American Indian Soundchief
P. O. Box 1627
Klamath Falls, Oregon, 97601

Also (for books):

Naturegraph Books
1188 Chiquita Road
Healdsburg, California 95448

and:

Asch Recordings
Pioneer Record Sales Corporation
701 Seventh Avenue
New York, New York, 10036

Peabody Museum
Harvard University
Cambridge, Massachusetts, 02100

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American Museum of Natural History
New York, N.Y. 10024

Brooklyn Museum
Brooklyn, N.Y. 11213

Denver Art Museum,
Chappell House
Denver, Colo. 80203

Chicago Natural History Museum
Chicago, Ill. 60605

Harvard University,
Peabody Museum of Archaeology & Ethnology
Cambridge, Mass. 02100

Heard Museum of Anthropology & Primitive Art
Phoenix, Ariz. 85000

Museum of the American Indian
Heye Foundation
New York, N.Y. 10000

Museum of the Cherokee Indian
Cherokee, N.C. 28719

Museum of Navajo Ceremonial Art
Santa Fe, N.M.

Museum of New Mexico
Hall of Ethnology of the Laboratory
of Anthropology
Santa Fe, N.M. 87501

Museum of Northern Arizona
Flagstaff, Ariz. 86001

Museum of the Plains Indian
& Crafts Center
Browning, Mont. 59417

Museum of Primitive Art
New York, N.Y. 10019

Navajo Tribal Museum
Window Rock, Ariz. 86515

Osage Tribal Museum
Pawhuska, Okla. 74056

Philbrook Art Center
Tulsa, Okla. 74114

Pipestone National Monument
Pipestone, Minn. 56164

Rochester Museum of Arts
& Sciences
Rochester, N.Y. 14600

San Diego Museum of Man
San Diego, Calif. 92100

School of American Research
Santa Fe, N.M. 87501

Soux Indian Museum &
Crafts Center
Rapid City, S.D. 57701

Smithsonian Institution
Washington, D.C. 20560

Southeast Museum of the
North American Indian
Marathon, Fla. 33050

Southern Plains Indian Museum
& Crafts Center
Anadarko, Okla. 73005

Southwest Museum
Los Angeles, Calif. 90000

The Thomas Gilcrease Institute
of American History and Art
Tulsa, Okla. 74101

University of Alaska Museum
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Tucson, Ariz. 85700

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University of Missouri
Museum of Anthropology
Columbia, Mo. 65201

University of Pennsylvania
University Museum
Philadelphia, Pa. 19100

University of Utah
Anthropology Museum
Salt Lake City, Utah 84100

University of Washington
Thomas Burke Memorial
Washington State Museum
Seattle, Wash. 98100

Wayne State University
Museum of Anthropology
Detroit, Mich. 48200

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Report of Governor John Evans, ex-officio Superintendent of Indian Affairs in Colorado Territory, to the Commissioner of Indian Affairs, Department of the Interior, October 15, 1864.[1]

Colorado Superintendency of Indian Affairs,
Denver, C. T. October 15, 1864

SIR: In compliance with the regulations of the Department of the Interior, I have the honor of making the following report:

As foreshadowed in my communication of the nineteenth of November last, published in your annual report, the past has been a year of difficulties, depredations, and open hostilities with the Indians of the plains.

The information furnished me, through various sources, of an alliance of the Cheyenne and a part of the Arapahoe tribes, with the Camanche, Kiowa, and Apache Indians of the south, and the great family of the Sioux Indians of the north upon the plains, which I had the honor to transmit to you, proved to have been correct; and the depredations and murders by these tribes commenced early in the spring, as set forth in the statement of Mr. North...(See Document No. 2).

.....

It is to be regretted that the exigencies of the war against the great rebellion were such as to not only prevent the strengthening of the military forces requested, but also to require the still further withdrawal of troops in the spring, for it is believed that this encouraged the hopes of conquest that had been inspired among the Indians, and emboldened them...

The disaffection of the Cheyenne and a part of the Arapahoe Indians, which had grown out of their misunderstanding of the treaty of Fort Wise, (1861) and the fact that their numerous depredations upon emigrant trains, and the overland stage stations, committed at intervals, through a series of years, had received but little if any punishment, prepared them to give ear to the counsel of these emissaries, who encouraged them to hope that, by a concerted hostility of the various tribes, the whites might be driven from the country.

This hope was greatly encouraged by reference to the great war in which the government is engaged, and which it was claimed would require all of our troops, and leave the plains to an easy and successful conquest by the alliance.

.....

(His efforts, and failure, to secure military aid from the Military Departments of Kansas and Nebraska).

While there was hope of averting a general outbreak, of course it was to be sought for by every practical and proper means; but the absence of nearly all of the Indians from their usual friendly haunts prevented intercourse, foreboded a general outbreak, and made it impossible to make any negotiations with them for their pacification.

They had undoubtedly, as by previous agreement, taken the war-path early in the spring in small parties, and were therefore out of the reach of negotiation more completely than last fall, when they positively refused to meet me in council on the Republican.

---

[1] "Annual Report of the Commissioner of Indian Affairs for 1864", Report of the Secretary of the interior (Vol. V of Executive Documents printed by order of the House of Representatives, 38th Cong., 2nd Session, 1864-65) (Washington, Government Printing Office, 1865). pp. 360-402

An attack made by the Indians upon a detachment of troops under Lieutenant Dunn, sent out to recover stolen stock, and the numerous robberies at different points which had occurred previously, taken in connexion with the murder of the Hunsgate family on Running creek on the 12th of June, and the statement of Lieutenant Robert North...(See Document No. 3) satisfied me that, while some of the Indians might yet be friendly, there was no hope of a general peace on the plains, until after a severe chastisement of the Indians for these depredations.

On the 14th of June I applied for permission to call the militia of Colorado into the United States Service, as the territorial law was defective, and the facilities and means of mounting, arming, and equipping them wanting. I also applied for permission to raise a regiment of United States volunteers for one hundred days, without a favorable response at that time. I had been urging the organization of any efforts to do so... While a general Indian war was inevitable, it was dictated by sound policy, justice, and humanity, that those Indians who were friendly, and disposed to remain so, should not fall victims to the impossibility of soldiers discriminating between them and the hostile, upon whom they must, to do any good, inflict the most severe chastisement.

Having procured the assent of the department to collect the friendly Indians of the plains at places of safety, by a telegraphic despatch reading as follows: "Act according to your best judgment with regard to friendly Indians, but do not exceed the appropriations," I issued a proclamation and sent it by special messengers, and through every practicable channel of communication, to all the tribes of the plains ...(See Document No. 4).

A small band of about one hundred and seventy-five souls, known as "Friday's band" of Arapahoes came into Camp Collins, and have remained there under the care of Agent Whitely, who was detailed for the service; and another of the same tribe, known as "Left Hand's band," remained for a time at Fort Lyon under the care of Agent Colley. With the exception of these two bands, my proclamation, so far as I can learn, met no response from any of the Indians of the plains.

.....

(On 12 July, Gov. Evans received instructions from the Commissioner of Indian Affairs - Document No. 5 - and forwarded instructions to Major Colley at Fort Lyon - Document No. 6).

Every mail and messenger from the plains brought reports of additional depredations, and one the 8th of August the almost simultaneous attack upon the stations of the overland stage line, trains on the road, and the settlements for a distance of over two hundred miles, accompanied by the most horrible murders and wanton destruction of property, satisfied all doubts as to the disposition of the Indians to make a general war.

The settlements in Colorado being yet comparatively defenceless, I at once issued a proclamation... (See Document No. 7).

I also renewed my application for authority to raise a regiment of one hundred days' men for the Indian war, which was given by telegraph, and as rapidly as it could be mounted and equipped it was put into the field. Several companies of militia also responded to my proclamation with a patriotism deserving all praise, one of which, under Captain Tyler, made a march of over six hundred miles.

Information received from Major Colley...(during July and August - Documents Nos. 8, 9 and 10) proved that the depredations were extensive, and hostility on the part of the Indians increasing.

On the 20th of August Mr. Elbridge Gerry, an old and reliable Indian trader residing on the Platte river and about sixty-five miles below Denver, rode the distance from his home to Denver in one day, for the purpose of making a statement...(See Document No. 11).

Document No. 1 - (Cont'd)

Upon the receipt of this information, at twelve o'clock midnight, it was immediately communicated to the headquarters of the military district of Colorado, and an order issued placing all militia companies, and recruits of the one hundred days' men, under the control of the commander of the district.

Messengers were promptly despatched by the colonel commanding to all the threatened localities, and by a proper disposition of the forces, and by placing the people on the alert, what would doubtless have been one of the most horrible massacres known in the history of Indian warfare was prevented.

The Indians made their appearance stealthily at most of the points indicated, committed a murder at one point, and various depredations at others, and retired; and it is an unfortunate incident of this affair that Mr. Gerry, who gave the information, being detained on his return, (in taking care of a friendly chief who had accompanied him,) suffered the loss of a large drove of horses, which were run off by the Indians the night of the proposed attack.

On the 4th of September Agent Colley wrote a letter, enclosing copy of communication from some of the chiefs of the Cheyenne tribe, proposing peace on certain terms.... (Document Nos. 12 and 13).

As I learned that Major Wynkoop, who was in command of Fort Lyon, had gone on an expedition to the Indian camp, at the "Bunch of Timbers," I directed Agent Colley to await the result. Upon the major's return to Fort Lyon from this expedition, he reported the result of his visit to the Indians... (Document No. 14).

As proposed in his report, the major brought the chiefs and headmen to Denver, and I held an interview with them on September 28 (Document No. 15) in the presence of Colonel Chivington, commanding the district of Colorado; Colonel Shoup, of the 3d Colorado cavalry; Major Wynkoop, and a number of other military officers; John Smith, the interpreter; Agent Whitely, and a number of citizens. They were earnest in their desire for peace, and offered to secure the assent of their bands to lay down their arms, or to join the whites in the war against the other tribes of the plains. They stated that the Kiowas, Camanches, Apaches, and fourteen different bands of the Sioux, including the Yanktonais and other bands from Minnesota, and all of those of the northern plains, were among the strong forces on the war-path; that the Sioux were very hostile and determined against the whites. They stated that the chiefs of their bands had been opposed to the war, but they had been overpowered by the influence of their young men.

After collecting all the information I could from them as to the parties who had committed the murders and depredations during the spring and summer, and hearing their propositions for peace, I admonished them of their failure to meet me in council last autumn, and of their neglect to respond to my proclamation directing the friendly Indians to repair to their agencies; that they had joined the alliance for war, and had committed the most horrible murders, and destroyed immense amounts of property, for which they offered no atonement or reparation, and that I had, by that proclamation, turned them over to the military authorities, with whom they must make their terms of peace; that while their bands were among the hostile Indians with their bows drawn for the conflict, it was out of my place to make any terms of peace, as it might embarrass the military authorities who were in pursuit of their hostile allies. I advised them to make immediate application to the military authorities for, and to accept, the terms of peace they might be able to obtain, and left them in the hands of Major Wynkoop, who took them back to Fort Lyon.

The next day after the council I addressed Agent Colley the following letter of instructions. (Document No. 16).

A telegraphic despatch from Major General Curtis, commanding the department, to Colonel Chivington, received subsequently to the mailing of the above letter, indicates an approval of the policy pursued in dealing with these chiefs....(Document No. 17).

Whatever may be the result of this negotiation in effecting that most desirable end, the consummation of a permanent and lasting peace with the Indians, the rescue

of the prisoners was a great act of humanity; and the information obtained by it can but be of great utility, in admonishing the government of the formidable array of savage hostility with which it has to contend.

I have taken great pains, in my intercourse with the Indians, and those connected with them who understand their plans, to ascertain whether there were any parties connected with the great rebellion acting in concert with them, or urging them on; but, so far, no positive evidence has been elicited from them. And yet it is a remarkable fact, that an emigrant of strong sympathy with the rebellion, who left southern Missouri last spring, should have stated that it was the plan of the rebels, under Price, to invade Missouri this autumn, at the time when our forces should be drawn away to fight the Indians on the plains; a statement which the subsequent facts would seem to indicate had been based upon information of an alliance between the Indians and the rebel army, and which is further strengthened by professions, on the part of the Indians, that they have been offered the assistance and friendship of the south, if they would continue their war.

Such an alliance would gain for the rebellion, at a moderate outlay of means and effort, such palpable advantages that I am disposed to credit the common belief, that the arguments used by the Indians among themselves in favor of hostilities, to the effect that while the whites were fighting among themselves the Indians could easily drive them from their country, were prompted by those who desired to aid the rebellion.

It is exceedingly unfortunate that the exigencies of the service have thus far been such as to prevent the organization of such a force against this powerful alliance of hostile Indians as not only to protect our lines of communication, but promptely to pursue them to their hiding-places and to punish and intimidate them, for this is the only means of procuring safety from their depredations, inaugurating a permanent peace, commanding their respect for authority, and securing their enduring friendship.

The forces now in the field are totally inadequate to accomplish this object. Up to this time the Indians have had the advantage of securing large amounts of plunder from freight trains; they have stolen immense numbers of horses, mules, and cattle; they have taken a number of women and children prisoners; they have murdered in cold blood a large number of defenceless citizens, and killed and wounded a number of soldiers, without meeting any considerable resistance or receiving any adequate punishment at our hands.

. . . . . .

The winter, when the Indians are unable to subsist except in the buffalo range, is the most favorable time for their chastisement, and it is to be hoped that a presentation of the urgent necessity of the case to the War Department will secure the immediate organization of such military expeditions against them as to bring them to terms. While it is the policy of the government to treat the Indians kindly, every consideration of good government and every dictate of a genuine humanity call for such a course as I have indicated; for unless it is adopted the war will be protracted indefinitely, life and property on the frontier will be insecure, the overland mail will suffer constant interruption, the immense tide of commerce and emigration by the different routes across the plains will be unsafe, and the prosperity which would otherwise be of great national importance will be checked or destroyed. Hostilities must be punished to prevent their recurrence, and such an alliance as now exists, extending from Texas to the British line, must be broken up by punishment to secure a peace which would be worth the name. Until this is done, treaties with the Indians of the plains will be but truces, under which new and more revolting outrages will be committed. Under such a course of chastisement, the tribes might be treated with separately and successively, until a general and permanent peace is inaugurated. Until then, speculations as to the future care and management of these tribes would be of but little use. A peace before conquest, in this case, would be the most cruel kindness and the most barbarous humanity.

As soon as these Indians are made to give up their vain hope of "driving the whites out of their country" and to respect the authority of the government, and not

until then, which it is earnestly hoped may be by next summer, they may be induced to listen to counsel and make treaties. A commission with ample means might then hold treaties with all of the tribes and secure settlements of many of them. But their nomadic habits, the fact that they are intimately associated and alternately roam over the same wide range of country, would make treaties of but little value unless they were general among them. It is hoped that Congress may make provision, at its approaching session, for holding such treaties.

. . . . . .

I have the honor to be, very respectfully, your obedient servant,

JOHN EVANS,
Governor C. T., and ex-officio Sup't Indian Affairs.

Document No. 2

Statement of Robert North [1]

November 10, 1863

Having recovered an Arapahoe prisoner (a squaw) from the Utes, I obtained the confidence of the Indians completely. I have lived with them from a boy, and my wife is an Arapahoe.

In honor of my exploit in recovering the prisoner the Indians recently gave me a "big medicine dance," about fifty-five miles below Fort Lyon, on the Arkansas river, at which the leading chiefs and warriors of several of the tribes of the plains met. The Comanches, Apaches, Kioways, the northern band of Arapahoes, and all of the Cheyennes, with the Sioux, have pledged one another to go to war with the whites as soon as they can procure ammunition in the spring. I heard them discuss the matter often, and the few of them who opposed it were forced to be quiet, and were really in danger of their lives. I saw the principal chiefs pledge to each other that they would be friendly and shake hands with the whites until they procured ammunition and guns, so as to be ready when they strike. Plundering to get means has already commenced; and the plan is to commence the war at several points in the sparse settlements early in the spring. They wanted me to join them in the war, saying that they would take a great many white women and children prisoners, and get a heap of property, blankets, &c. But while I am connected with them by marriage, and live with them, I am yet a white man, and wish to avoid bloodshed. There are a great many Mexicans with the Comanche and Apache Indians, all of whom urge on the war promising to help the Indians themselves, and that a great many more Mexicans would come up from New Mexico for the prupose in the spring.

[1] Ibid., pp 368-69

Document No. 3

Statement of Robert North [1]

DENVER, June 15, 1864

Robert North, the same who made statement last autumn, now on file, reports that John Notnee, an Arapahoe Indian, who was here with himself and Major Colley last fall, spent the winter on Box Elder. He was mad because he had to give up the stock that he stole from Mr. Van Wormer last fall. He thinks he was with the party who murdered the family on Mr. Van Wormer's ranch and stole the stock in the neighborhood last Saturday, but thinks most of the party were Cheyennes and Kioways.

He says that the last-named tribes, and doubtless some of the Comanche tribe, are engaged in the war. The Cheyennes moved their families to the salt mines, (salt plains,) on the Cimarron creek. Their plan is to run their plunder off to the Cimarron, where there is good buffalo hunting. They will keep the stock at the salt plains, or those Mexicans who are in alliance with them will run it off into New Mexico. The Monecoshe Sioux have been among the Arapahoes and Cheyennes during the winter, and he saw them. They swore that the whites should not make a road through the Yellowstone or Powder river country. Little Raven, Arapahoe chief, advised them, when several were talking of this war last fall, to wait until they got their guns and ammunition.

He feels confident that the programme he reported last fall is being carried out now. He has heard the Indians of several of these tribes talking the matter over, and they have great confidence that they will drive the white settlers all out of the country and take their land back. They will not listen to argument. They have been cheated by a few traders and will not listen to reason.

That is their claim, and they propose to treat all of the Indians who refuse to join them just as they do the whites. They are now doing their best to get all the Indians combined against the whites.

ROBERT NORTH

Document No. 4

Proclamation of Governor Evans [2]

Colorado Superintendency of Indian Affairs,
Denver, June 27, 1864

To the friendly Indians of the plains:

Agents, interpreters, and traders will inform the friendly Indians of the plains, that some members of their tribes have gone to war with the white people. They steal stock and run it off, hoping to escape detection and punishment. In some instances they have attacked and killed soldiers, and murdered peaceable citizens. For this the Great Father is angry, and will certainly hunt them out, and punish them. But he does not want to injure those who remain friendly to the whites. He desires to protect and take care of them. For this purpose, I direct that all friendly Indians keep away from those who are at war, and go to places of safety.

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[1] Ibid., p. 372

[2] Ibid., pp. 362-63

Friendly Arapahoes and Cheyennes belonging on the Arkansas river will go to Major Colley, United States Indian agent at Fort Lyon, who will give them provisions and show them a place of safety....

Friendly Arapahoes and Cheyennes of the Upper Platte will go to Camp Collins, on the Cache la Poudre, where they will be assigned a place of safety, and provisions will be given them.

The object of this is to prevent friendly Indians from being killed through mistake. None but those who intend to be friendly with the whites must come to these places. The families of those who have gone to war with the whites must be kept away from among the friendly Indians.

The war on hostile Indians will be continued until they are all effectually subdued.

JOHN EVANS,
Governor of Colorado Territory, and Superintendent Indian Affairs

Document No. 5

Letter from the Commissioner of Indian Affairs to Governor Evans [1]

Department of the Interior,
Office of Indian Affairs,
June 23, 1864

SIR: Your despatch of the 14th instant, relative to Indian outrages in Colorado, has been received, and a copy thereof has been sent, through the Secretary of the Interior, to the War Department. You will use every endeavor to keep the peace with the Indians, and it is hoped that troops will soon be placed at your disposal for that purpose.

It is not contemplated that the Indians should be collected and fed on the reservations, but they should be concentrated, if anywhere, about the buffalo range.

You will contract no debts in this matter, as Congress will not appropriate funds for their payment.

Very respectfully, your obedient servant,
CHARLES E. MIX, Acting Commissioner

John Evans, Esq.,
Governor and Superintendent Indian Affairs, Denver, C. T.

Document No. 6

Letter from Governor Evans to Major Colley [2]

Colorado Superintendency Indian Affairs,
Denver, July 12, 1864.

SIR: I enclose for your instruction copy of letter received from the Department

[1] Ibid., p. 374

[2] Ibid., p. 373

of the Interior.

While a liberal compliance with the suggestion that the Indians should be collected about the buffalo range may be impracticable on account of the presence of hostile Indians, yet, so far as possible, you will act in compliance therewith, and avoid any great outlay on their account.

I send by Colonel Chivington three thousand dollars on account of Cheyenne and Arapahoe treaty stipulations, with which to provide means to feed those tribes as they come in on my request.

You will be careful to keep a separate account of the money expended for each tribe.

Your obedient servant,

JOHN EVANS,

Governor and Superintendent of Indian Affairs.

Major S. C. Colley,
United States Indian Agent, Fort Lyon, Colorado Territory.

Document No. 7

Proclamation of Governor Evans (Aug. 11, 1864) [1]

Having sent special messengers to the Indians of the plains, directing the friendly to rendezvous at Fort Lyon, Fort Larned, Fort Laramie, and Camp Collins for safety and protection, warning them that all hostile Indians would be pursued and destroyed and the last of said messengers having now returned, and the evidence being conclusive that most of the Indian tribes of the plains are at war and hostile to the whites, and having to the utmost of my ability endeavored to induce all of the Indians of the plains to come to said places of rendezvous, furnishing them subsistence and protection, which with a few exceptions they have refused to do:

Now, therefore, I, John Evans, governor of Colorado Territory, do issue this my proclamation, authorizing all citizens of Colorado, either individually or in such parties as they may organize, to go in pursuit of all hostile Indians on the plains, scrupulously avoiding those who have responded to my call to rendezvous at the points indicated; also to kill and destroy as enemies of the country wherever they may be found, all such hostile Indians; and further, as the only reward I am authorized to offer for such services, I hereby empower such citizens or parties of citizens, to take captive, and hold to their own private use and benefit, all the property of said hostile Indians that they may capture, and to receive for all stolen property recovered from said Indians such reward as may be deemed proper and just therefor.

I further offer to all such parties as will organize under the militia law of the Territory for the purpose, to furnish them arms and ammunition, and to present their accounts for pay, as regular soldiers, for themselves, their horses, their subsistence and transportation, to Congress, under the assurance of the department commander that they will be paid.

The conflict is upon us, and all good citizens are called upon to do their duty in the defence of their homes and families.

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[1] Ibid., pp. 374-75

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Document No. 8

Letter of Major Colley to Governor Evans [1]

Fort Lyon, Colorado Territory,
July 26, 1864.

SIR: When I last wrote you I was in hopes that our Indian troubles were at an end. Colonel Chivington has just arrived from Larned, and gives a sad account of affairs at that post. They have killed some ten men from a train, and run off all the stock from the post. As near as they can learn, all the tribes were engaged in it. The colonel will give you the particulars. There is no dependence to be put in any of them.

I have done everything in my power to keep peace. I now think a little powder and lead is the best food for them.

Respectfully, your obedient servant,

S. G. COLLEY,
United States Indian Agent.

Hon. John Evans,
Governor and Superintendent Indian Affairs.

Document No. 9

Letter of Major Colley to Governor Evans [2]

Fort Lyon, Colorado Territory,
August 12, 1864

SIR: The Indians are very troublesome. Yesterday a party of fifteen chased a soldier within three miles of the post. Lieutenant Cramer with fifteen men pursued them. After a chase of fifteen miles the Indians halted and gave fight. We killed two, wounded two, and captured two horses. They then retreated towards Sand creek. Our horses were so much exhausted that our men were unable to pursue further. Last evening an express-man was driven back by four Indians.

There is no doubt but large parties, since the re-enforcement of Larned, have come up the river, and are now in this vicinity. I fear the work at the agency will have to be abandoned if troops cannot be obtained to protect it. I have made application to Major Wynkoop for troops; he will do all he can, but the fact is we have no troops to spare from here. We cannot ascertain what Indians they were, but I fear all the Indian tribes are engaged.

The Arapahoes that I have been feeding have not been in for some time. It looks at present as though we should have to fight them all.

Respectfully, your obedient servant,

S. G. COLLEY,
United States Indian Agent, Upper Arkansas.

Hon. John Evans,
Governor and Superintendent Indian Affairs.

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[1] Ibid., p. 374

[2] Ibid., p. 375

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Document No. 10

Letter of Major Colley to Governor Evans [1]

Fort Lyon, Colorado,
August 26, 1864.

DEAR SIR: We are at present without any news from your city for the past two weeks. The coaches from Kansas City and Santa Fe arrive and depart very regularly, and we are at a loss to account for the non-arrival of the Denver mail. Every coach is supplied with an escort of from ten to forty men.

The garrison at this post is too small to allow any number of men to go after the Indians.

Nearly every one has left the agency and fled to some place where they can be protected. Major Wynkoop ordered Lieutenant Hill to remain there with twelve men, but they are insufficient to protect the premises and property here.

The Indians stampeded Hayne's horses and mules at the agency on the 17th, and succeeded in running off twenty-two head belonging to him, and some six more belonging to other parties.

On Sunday last two men named Crawford and Hancock, while on their way from the agency to this post, were massacred and scalped by the Indians about eighteen miles from this post. Major Wynkoop sent out a small party and brought their bodies to this place for burial.

The crops at the agency are looking finely, and promise a fair yield if properly taken care of, but I am unable to get men to remain there unless a larger military force is stationed there. The Arapahoes, which I have been feeding, have not been in for their rations for some thirty days, and I believe have joined the other Indians in the war.

The orders are to kill every Indian found in the country, and I am inclined to assist in carrying the orders into effect.

Signal fires were seen south of the post on Red Clay creek last night. As yet we have not ascertained the meaning of them. Indians are lying along the road between us and Bent's old fort, and it is unsafe to venture out without an escort.

If possible get more troops ordered into our Territory, in order that communication with the States may not be cut off.

Yours, truly,

S. G. COLLEY,
United States Indian Agent, Upper Arkansas.

Hon. John Evans,
Governor and Superintendent Indian Affairs.

Document No. 11

Statement of Mr. Gerry [2]

Denver, C. T.,
Saturday night, August 20, 1864.

Mr. Gerry states that two Cheyennes, Long Chin and Man-shot-by-a-bee, both chiefs and old men, came to his house about ten o'clock last night to tell him to take his stock away from the river. Mr. Gerry lives at the mouth of Crow creek, seven miles below Latham, and sixty-seven miles from Denver. They stated that there were between eight hundred and one thousand Indians of the Apache, Comanche, Kioways, Cheyenne, and Arapahoe warriors (no lodges with them) at the Point of Rocks, on

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1 Ibid., pp. 375-76

2 Ibid., p. 376

Beaver creek, about one hundred and twenty-five miles from Denver; that in two nights they would make a raid on the river; they would separate in parties, one to strike the river about Fort Lupton, another about Latham, and one of the Junction; that one party had already started for the head of Cherry creek, and still another to the mouth of the Fontaine qui Bouille pueblo.

Mr. Gerry judges that they intended to keep their rendezvous at the Point of Rocks, on the Beaver, and take there their stolen stock. They told him that the Kioways had with them, in their villages at the Big Bend of the Arkansas, two white women and four children, whom they had recently taken captive on the Big Sandy, below Fort Kearney. They also gave Mr. Gerry the first information he had of the recent attack on Fort Larned. These two Indians told Mr. Gerry that nearly all the old men were opposed to the war, but the young men could not be controlled; they were determined to sweep the Platte and the country as far as they could; they know that if the white men follow up the war for two or three years they would get rubbed out, but meanwhile they would kill plenty of whites.

Document No. 12

Letter of Major Colley to Governor Evans [1]

Fort Lyon, Colorado Territory,
Sunday, September 4, 1864.

DEAR SIR: Two Cheyenne Indians and one squaw have just arrived at this post. They report that nearly all of the Arapahoes, most of the Cheyennes, and two large bands of Ogallala and Brule Sioux are encamped near the Bunch of Timbers, some eighty to one hundred miles northeast of this place; that they have sent runners to the Comanches, Apaches, Kioways, and Sioux, requesting them to make peace with the whites. They brought a letter purporting to be signed by Black Kettle and other chiefs, a copy of which is here enclosed.

They say that the letter was written by George Bent, a half-breed son of W. W. Bent, late United States Indian agent for this agency. They also state that the Indians have seven prisoners; one says four women and three children; the other states three women and four children.

Major Wynkoop has put these Indians in the guard-house, and requested that they be well treated, in order that he may be able to rescue the white prisoners from the Indians.

Very respectfully, your obedient servant,

S. G. COLLEY,
United States Indian Agent, Upper Arkansas.

Hon. John Evans,
Superintendent Indian Affairs.

Document No. 13

Letter of Black Kettle and other Chiefs to Major Colley [2]

Cheyenne Village, August 29, 1864.

SIR: We received a letter from Bent, wishing us to make peace. We held a council in regard to it. All come to the conclusion to make peace with you, pro-

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1 Ibid., p. 377

2 Ibid., p. 377

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viding you make peace with the Kioways, Comanches, Arapahoes, Apaches and Sioux.

We are going to send a messenger to the Kioways and to the other nations about our going to make peace with you.

We heard that you have some provisions in Denver. We have seven prisoners of yours which we are willing to give up, providing you give up yours.

There are three war parties out yet, and two of Arapahoes. They have been out some time, and expected in soon. When we held this council, there were few Arapahoes and Sioux present. We want true news from you in return--that is, a letter.

BLACK KETTLE, and other Chiefs.

Major Colley.

Document No. 14

Letter of Major Wynkoop to Governor Evans [1]

Fort Lyon, C. T., September 18, 1864.

SIR: I have the honor to report that on the 3d instant three Cheyenne Indians were met a few miles outside of this post by some of my men en route for Denver and were brought in.

They came, as they stated, bearing with them a proposition for peace from Black Kettle and other chiefs of the Arapahoe and Cheyenne nations. Their propositions were to this effect: that they, the Cheyennes and Arapahoes, had in their possession seven white prisoners, whom they offered to deliver up in case that we should come to terms of peace with them. They told me that the Arapahoes, Cheyennes, and Sioux were congregated for mutual protection at what is called the Bunch of Timbers, on the headwaters of Smoky Hill, at a distance of one hundred and forty miles northeast of this post, numbering altogether about three thousand warriors, and were anxious and desirous to make peace with the whites.

Feeling extremely anxious, at all odds, to effect the release of these white prisoners, and my command but just having been re-enforced by General Carleton, commanding department of New Mexico, by a detachment of infantry sent from New Mexico to my assistance, I found that I would be enabled to leave sufficient garrison for this post by taking one hundred and thirty men with me, (including one section of the battery,) and concluded to march to this Indian rendezvous for the purpose of procuring the white prisoners aforementioned, and to be governed by circumstances as to what manner I should proceed to accomplish the same object.

Taking with me, under a strict guard, the Indians I had in my possession, I reached my destination, and was confronted by from six to eight hundred Indian warriors drawn up in line of battle and prepared to fight.

Putting on as bold a front as I could under the circumstances, I formed my command in as good order as possible, for the purpose of acting on the offensive or defensive as might be necessary, and advanced towards them, at the same time sending forward one of the Indians I had with me as an emissary to state that I had come for the purpose of holding a consultation with the chiefs of the Arapahoes and Cheyennes to come to an understanding which might result in mutual benefit; that I had not come desiring strife, but was prepared for it, if necessary, and advised them to listen to what I had to say previous to making any more warlike demonstrations.

They consented to meet me in council, and I then proposed to them that, if they desired peace, to give me palpable evidence of their sincerity by delivering into my hands their white prisoners. I told them that I was not authorized to conclude terms of peace with them, but, if they acceded to my proposition, I would take what

[1] Ibid pp 377-78

chiefs they might choose to select to the governor of Colorado Territory; state the circumstances to him, and that I believed it would result in what it was their desire to accomplish--"peace with their white brothers." I had reference particularly to the Arapahoe and Cheyenne tribes.

The council was divided, undecided, and could not come to an understanding among themselves. Finding this to be the case, I told them that I would march to a certain locality, distant twelve miles, and await a given time for their action in the matter. I took a strong position in the locality named, and remained three days. In the interval they brought in and turned over four white prisoners, all that was possible for them, at the time being, to turn over, the balance of the seven being (as they stated) with another band far to the northward.

The released captives that I have now with me at this post consist of one female named Laura Roper, aged sixteen, and three children (two boys and one girl) named Isabella Ubanks, Ambrose Usher, and Daniel Marble; the three first mentioned being taken on Blue river, in the neighborhood of what is known as Liberty Farm, and the last captured at some place on the South Platte, with a train of which all the men belonging thereto were murdered.

I have the principal chiefs of the two tribes with me, and propose starting immediately to Denver to put into effect the aforementioned proposition made by me to them.

They agree to deliver up the balance of the prisoners as soon as it is possible to procure them, which can be done better from Denver City than from this point.

I have the honor, governor, to be your obedient servant.

E. W. WYNKOOP,
Maj. 1st Cav. Cal., Com'dg Fort Lyon, C. T.

His Excellency John Evans,
Governor of Colorado, Denver, C. T.

"Report of Council with Cheyenne and Arapahoe Chiefs and Warriors, brought to Denver by Major Wynkoop; taken down by U.S. Indian Agent Simeon Whiteley, as it Progressed", The Daily Rocky Mountain News, (Sept. 13, 1865) vol. 6, No. 16, p. 2.

Camp Weld, Denver
Wednesday, Sept. 28, 1864

Present--Gov. John Evans, Colonel Chivington, Comd'g Dist. Colorado, Col. Geo. L. Shoup, Third Colorado Volunteer Cavalry, Maj. E. Wynkoop, Colorado First, S. Whiteley, U. S. Ind. Agt. Black Kettle, leading Cheyenne Chief.
White Antelope, Chief central Cheyenne band.
Bull Bear, leader of Dog Soldiers, (Cheyenne).
Neva, sub-Arapahoe chief, (who was in Washington).
Bosse, Arapahoe chief.
Heap of Buffalo, Arapahoe Chief.
Na-ta-nee, Arapahoe Chief.

The Arapahoes are all relatives of Left Hand, Chief of the Arapahoes, and are sent by him in his stead.

John Smith, Interpreter to the Upper Arkansas Agency, and many other citizens and officers.

His Excellency Gov. Evans asked the Indians what they had to say.

Black Kettle then said: On sight of your circular of June 27th, 1864, I took hold of the matter, and have now come to talk to you about it. I told Mr. Bent, who brought it, that I accepted it, but it would take some time to get all my people together--many of my young men being absent--and I have done everything in my power, since then, to keep peace with the whites. As soon as I could get my people together, we held a council, and got a half-breed who was with them, to write a letter to inform Major Wynkoop, or other military officer nearest to them, of their intention to comply with the terms of the circular. Major Wynkoop was kind enough to receive the letter, and visited them in camp, to whom they delivered four white prisoners--one other (Mrs. Snyder,) having killed herself; that there are two women and one child yet in their camp, whom they will deliver up as soon as they can get them in; Laura Roper, 16 or 17 years; Ambrose Asher, 7 or 8 years; Daniel Marble, 7 or 8 years, Isabel Ubanks, 4 or 5 years. The prisoners still with them (are) Mrs. Ubanks and babe, and a Mrs. Morton, who was taken on the Platte. Mrs. Snyder is the name of the woman who hung herself. The boys were taken between Fort Kearney and the Blue.

I followed Major Wynkoop to Fort Lyon, and Major Wynkoop proposed that we come up to see you. We have come with our eyes shut, following his handful of men, like coming through the fire. All we ask is that we may have peace with the whites. We want to hold you by the hand. You are our father. We have been traveling thro' a cloud. The sky has been dark ever since the war began. These braves who are with me are all willing to do what I say. We want to take good tidings home to our people, that they may sleep in peace. I want you to give all these chiefs of the soldiers here to understand that we are for peace, and that we have made peace, that we may not be mistaken by them for enemies. I have not come here with a little wolf bark, but have come to talk plain with you. We must live near the buffalo or starve. When we came here we came free without any apprehension to see you, and when I go home and tell my people that I have taken your hand, and the hands of all the chiefs here in Denver, they will feel well, and so will all the different tribes of Indians on the plains, after we have eaten and drank with them. 101

Gov. Evans replied: I am sorry you did not respnd to my appeal at once. You have gone into an alliance with the Sioux, who were at war with us. You have done a great deal of damage--have stolen stock, and now have possession of it. However much a few individuals may have tried to keep the peace, as a nation you have gone to war. While we have been spending thousands of dollars in opening farms for you, 103

and making preparations to feed, protect, and make you comfortable, you have joined our enemies and gone to war. Hearing, last fall, that they were dissatisfied, the Great Father at Washington sent me out on the plains to talk with you and make it all right. I sent messengers out to tell you that I had presents, and would make you a feast, but you sent word to me that you did not want to have anything to do with me, and to the Great Father at Washington that you could get along without him. Bull Bear wanted to come in to see me at the head of the Republican, but his people held a council and would not let him come.

Black Kettle--That is true.

Gov. Evans--I was under the necessity, after all my trouble, and all the expense I was at, of returning home without seeing them. Instead of this, your people went away and smoked the warpipe with our enemies.

Black Kettle--I don't know who could have told you this.

Gov. Evans--No matter who said this but your conduct has proved to my satisfaction that was the case.

Several Indians--This is a mistake. We have made no alliance with the Sioux or any one else.

Gov. Evans explained that smoking the war pipe was a figurative term, but their condct had been such as to show they had an understanding with other tribes.

Several Indians--We acknowledge that our actions have given you reason to believe this.

Gov. Evans--So far as making a treaty now is concerned, we are in no condition to do [illegible] Your young men are on the war path. My soldiers are preparing for the fight. You, so far, have had the advantage; but the time is near at hand when the plains will swarm with United States soldiers. I understand that these men who have come to see me now, have been opposed to the war all the time, but that their people have controlled them and they could not help themselves. Is this so?

All the Indians--It has been so.

Gov. Evans--The fact that they have not been able to prevent their people from going to war in the past spring, when there was plenty of grass and game, makes me believe that they will not be able to make a peace which will last longer than until winter is past.

White Antelope--I will answer that after a time,

Gov. Evans--The time when you can make war best, is in the summer time; when I can make war best, is in the winter. You, so far, have had the advantage; my time is just coming. I have learned that you understand that as the whites are at war among themselves, you think you can now drive the whites from the country. But this reliance is false. The Great Father at Washington has men enough to drive all the Indians off the plains, and whip the rebels at the same time. Now the war with the whites is nearly through, and the Great Father will not know what to do with all his soldiers except to send them after the Indians on the plains. My proposition to the friendly Indians has gone out; I shall be glad to have them all come in, under it. I have no new propositions to make. Another reason that I am not in a condition to make a treaty , is, that war is begun, and the power to make a treaty of peace has passed from me to the great War Chief. My advice to you, is, to turn on the side of the government, and show, by your acts, that friendly disposition you profess to me. It is utterly out of the question for you to be at peace with us, while living with our enemies, and being on friendly terms with them.

Inquiry made by one Indian--What was meant by being on the side of the government?

Explanation being made, all gave assent, saying "All right."

Gov. Evans--The only way you can show this friendship is by making some arrangement with the soldiers to help them.

Black Kettle--We will return with Major Wynkoop to Fort Lyon; we will then proceed to our village, and take back word to my young men, every word you say. I cannot answer for all of them, but think there will be but little difficulty in getting

them to assent to help the soldiers.

Major Wynkoop--Did not the Dog Soldiers agree, when I had my council with you, to do whatever you said, after you had been here?

Black Kettle--Yes.

Gov. Evans explained that if the Indians did not keep with the U. S. soldiers, or have an arrangement with them, they would be all treated as enemies. You understand if you are at peace with us it is necessary to keep away from our enemies. But I hand you over to the military, one of the chiefs of which is here to-day, and can speak for himself, to them, if he chooses.

White Antelope--I understand every word you have said, and will hold on to it. I will give you an answer directly. The Cheyennes, all of them, have their eyes open this way, and they will hear what you say. He is proud to have seen the chief of all the whites in this country. He will tell his people. Ever since he went to Washington and received this medal, I have called all white men as my brothers. But other Indians have since been to Washington, and got medals, and now the soldiers do not shake hands, but seek to kill me. What do you mean by us fighting your enemies? Who are they?

Gov. Evans--All Indians who are fighting us.

White Antelope--How can we be protected from the soldiers on the plains?

Gov. Evans--You must make that arrangement with the Military Chief.

White Antelope--I fear that these new soldiers who have gone out, may kill some of my people while I am here.

Gov. Evans--There is great danger of it.

White Antelope--When we sent our letter to Major Wynkoop, it was like going through a strong fire or blast, for Major Wynkoop's men to come to our camp; it was the same for us to come to see you. We have our doubts whether the Indians south of the Arkansas, or those north of the Platte, will do as you say. A large number of Sioux have crossed the Platte in the vicinity of the Junction, into their country. When Major Wynkoop came we proposed to make peace. He said he had no power to make a peace except to bring them here and return them safe.

Gov. Evans--Again, whatever peace they make, must be with the soldiers, and not with me.

Gov. Evans--Are the Apaches at war with the whites?

White Antelope--Yes, and the Camanches and Kiowas as well: also a tribe of Indians from Texas, whose names we do not know. There are thirteen different bands of Sioux who have crossed the Platte and are in alliance with the others named.

Gov. Evans--How many warriors with the Apaches, Kiowas and Camanches?

White Antelope--A good many. Don't know.

Gov. Evans--How many of the Sioux?

White Antelope--Don't know, but many more than of the southern tribes.

Gov. Evans--who committed the depredations on the trains near the Junction, about the 1st of August?

White Antelope--Do not know--did not know any were committed. Have taken you by the hand, and will tell the truth, keeping back nothing.

Gov. Evans--Who committed the murder of the Hungate family, on Running Creek?

Nevah--The Arapahoes; a party of the northern band who were passing north. It was Medicine Man, or Roman Nose, and three others. I am satisfied from the time he left a certain camp for the north, that it was this party of four persons.

Agent Whiteley--That cannot be true.

Gov. Evans--Where is Roman Nose?

Nevah--You ought to know better than me. You have been nearer to him.

Gov. Evans--Who killed the man and boy at the head of Cherry Creek?

Neva--(After consultation)--Kiowas and Camanches.

Gov. Evans--Who stole soldiers' horses and mules from Jimmy's Camp, twenty seven days ago?

Neva--Fourteen Cheyennes and Arapahoes, together.

Gov. Evans--What were their names?

Neva--Powder Face and Whirlwind, who are now in our camp, were the leaders?

Col. Shoup--I counted twenty Indians on that occasion.

Gov. Evans--Who stole Charley Autobee's horses?

Neva--Raven's son.

Gov. Evans--Who took the stock from Fremont's Orchard, and had the first fight with the soldiers this spring, north of there?

White Antelope--Before answering this question I would like for you to know that this was the beginning of war and I should like to know what it was for, a soldier fired first.

Gov. Evans--The Indians had stolen about forty horses, the soldiers went to recover them, and the Indians fired a volley into their ranks.

White Antelope--This is all a mistake. They were coming down the Bijou, and found one horse and one mule. They returned one horse before they got to Geary's, to a man, then went to Geary's, expecting to turn the other one over to some one. They then heard that the soldiers and Indians were fighting, somewhere down the Platte; then they took fright and all fled.

Gov. Evans--Who were the Indians who had the fight?

White Antelope--They were headed by the Fool Badger's son, a young man, one of the greatest of the Cheyenne warriors, who was wounded, and though still alive, he will never recover.

Neva--I want to say something. It makes me feel bad to be talking about these things and opening old sores.

Gov. Evans--Let him speak.

Neva--Mr. Smith has known me ever since I was a child. Has he ever known me commit depredations on the whites? I went to Washington last year--received good council. I hold on to it. I determined to always keep peace with the whites. Now, when I shake hands with them they seem to pull away. I came here to seek peace and nothing else.

Gov. Evans--We feel that they have, by their stealing and murdering, done us great damage. They come here and say they will tell me all, and that is what I am trying to get.

Neva--The Camanches, Kiowas and Sioux have done much more injury than we have. We will tell what we know, but cannot speak for others.

Gov. Evans--I suppose you acknowledge the depredations on the Little Blue, as you have the prisoners then taken in your possession.

White Antelope--We (the Cheyennes) took two prisoners, west of Fort Kearney, and destroyed the trains.

Gov. Evans--Who committed depredations at Cottonwood?

White Antelope--The Sioux. What band, we do not know.

Gov. Evans--What are the Sioux going to do next?

Bull Bear--Their plan is to clean out all this country. They are angry and will all the damage to the whites they can. I am with you and the troops, to fight all those who have no ears to listen to what you say. Who are they? Show them to me. I am not yet old--I am young. I have never hurt a white man. I am pushing for something good. I am always going to be friends with the whites--they can do me good.

Gov. Evans--Where are the Sioux?

Bull Bear--Down on the Republican, where it opens out.

Gov. Evans--Do you know that they intend to attack the trains this week?

Bull Bear--Yes. About one half of all the Missouri River Sioux and Yanktons, who were driven from Minnesota, are those who have crossed the Platte. I am young and can fight. I have given my word to fight with the whites. My brother (Lean Bear) died in trying to keep peace with the whites. I am willing to die in the same way, and expect to do so.

Neva--I know the value of the presents which we receive from Washington. We cannot live without them. That is why I try so hard to keep peace with the whites.

Gov. Evans--I cannot say anything about those things now.

Neva--I can speak for all the Arapahoes under Left Hand. Raven has sent no one here to speak for him. Raven has fought the whites.

Gov. Evans--Are there any white men among your people:

Neva--There are none except Keith, who is now in the store at Fort Larned.

Col. Chivington--I am not a big war chief, but all the soldiers in this country are at my command. My rule of fighting white men or Indians is to fight them until they lay down their arms and submit to military authority. They are nearer Major Wynkoop than any one else, and they can go to him when they get ready to do that.

The Council then adjourned.

I Certify that this report is correct and complete; and I took down the talk of the Indians in the exact words of the Interpreter, and of the other parties as given to him, without change of phraseology, or correction of any kind whatever.

SIMEON WHITELY

Document No. 16

"Statement of Mrs. Ewbanks, giving an account of her captivity among the Indians", The Daily Rocky Mountain News (Sept. 13, 1865), vol. 6, No. 16, p. 2.

Mrs. Lucinda Ewbanks states that she was born in Pennsylvania; is 24 years of age; she resided on the Little Blue, at or near the Narrows. She says that on the 8th day of August, 1864, the house was attacked, robbed, burned, and herself and two children, with her nephew and Miss Roper, were captured by the Cheyeene Indians. Her eldest child, at the time, was three years old; her youngest was one year old; her nephew was six years old. When taken from her home, was, by the Indians, taken south across the Republican, and west to a creek the name of which she does not remember. Here, for a short time, was their village or camping place. They were traveling all winter. When first taken by the Cheyennes, she was taken to the lodge of an old chief whose name she does (not) recollect. He forced me, by the most terrible threats and menaces, to yield my person to him. He treated me as his wife. He then traded me to Two Face, a Sioux, who did not treat me as a wife but forced me to do all menial labor done by squaws, and he beat me terribly. Two Face traded me to Black Foot (Sioux) who treated me as his wife, and because I resisted him his squaws abused and ill-used me. Black Foot also beat me unmercifully, and the Indians generally treated me as though I was a dog, on account of my showing so much detestation towards Black Foot. Two Face traded for me again. I then received a little better treatment. I was better treated among the Sioux than the Cheyennes, that is, the Sioux gave me more to eat. When with the Cheyennes, I was often hungry. Her purchase from the Cheyennes was made early last Fall, and she remained with them until May, 1865. During the winter the Cheyennes came to buy me and the child for the purpose of burning us, but Two Face would not let them have me. During the winter we were on the North Platte, the Indians were killing the whites all the time and running off their stock. They would bring in the scalps of the whites and show them to me and laugh about it. They ordered me frequently to wean my baby, but I always refused: for I felt convinced if he was weaned they would take him from me and I should never see him again. They took my daughter from me just after we were captured, and I never saw her after. I have seen the man today who had her--his

name is Davenport. He lives in Denver. He received her from a Dr. Smith. She was given up by the Cheyennes to Major Wynkoop, but from injuries received while with the Indians, she died last February. My nephew also was given up to Major Wynkoop, but he, too, died at Denver. The Doctor said it was caused by bad treatment from the Indians. Whilst encamped on the North Platte, Elston came to the village, and I went with him and Two Face to Fort Laramie.

I have heard it stated that a story had been told by me, to the effect that Two Face's son had saved my life. I never made any such statement, as I have no knowledge of any such thing, and I think if my life had been in danger he would not have troubled himself about it.

(Signed) LUCINDA EWBANKS,

Witness: J. H. Triggs, 1st Lt. Comd'g Co. D, 7th Iowa Cavalry; E. B. Zabriskie, Capt. 1st Cav. Nev. Volunteers, Judge Advocate, Dist. of the Plains.

JULESBURG, C. T., June 22, 1865.

Document No. 17

Letter, Governor Evans to Major Colley [1]

Colorado Superintendency Indian Affairs
Denver, September 29, 1864.

SIR: The chiefs brought in by Major Wynkoop have been heard. I have declined to make any treaty with them lest it might embarrass the military operations against the hostile Indians of the plains. The Arapahoe and Cheyenne Indians being now at war with the United States government, must make peace with the military authorities. Of course this arrangment relieves the Indian bureau of their care until peace is declared with them; and as these tribes are yet scattered, and all except Friday's band are at war, it is not probable that it will be done immediately. You will be particular to impress upon these chiefs the fact that my talk with them was for the purpose of ascertaining their views, and not to offer them anything whatever. They must deal with the military authorities until peace; in which case alone they will be in proper position to treat with the government in relation to the future.

I have the honor to be, your obedient servant,

JNO. EVANS,
Governor C. T., and ex-officio Sup't Indian Affairs.

Major S. G. Colley,
U. S. Indian Agent, Upper Arkansas.

Document No. 18

Despatch, Major General Curtis to Col. Chivington [2]

Fort Leavenworth,
September 28, 1864.

I shall require the bad Indians delivered up; restoration of equal numbers of stock--also hostages, to secure. I want no peace till the Indians suffer more. "Left-Hand" is said to be a good chief of the Arapahoes; but "Big Mouth" is a rascal. I fear agent of Interior Department will be ready to make presents too soon. It is better to chastise before giving anything but a little tobacco to talk over. No peace must be made without my directions.

S. R. CURTIS, Major General.

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[1] "Report of the Commissioner of Indian Affairs for 1864", Report of the Secretary of the Interior, pp. 364-65.

[2] Ibid., p. 365

Reports of the Sand Creek Battle: The Daily Rocky Mountain News, (December 8, 1864), p. 2.

Great Battle with Indians!

The Savages Dispersed!

500 INDIANS KILLED

Our Loss 9 Killed, 38 Wounded

FULL PARTICULARS

Headq'ters, District of Colorado,
Denver, Dec. 7, 1864

Editors News:--The following dispatch has been received at this office and forwarded to Department Headquarters:

Headquarters District of Colorado, In the field, Cheyenne country, South Bend, Big Sandy, Nov. 29th.

To Major General S. R. Curtis, Forth Leavenworth:

General:--In the last ten days my command has marched three hundred miles--one hundred of which the snow was two feet deep. After a march of forty miles last night, I, at daylight this morning, attacked a Cheyenne village of one hundred and thirty lodges, from nine hundred to one thousand warriors strong. We killed Chiefs Black Kettle, White Antelope and Little Robe, and between four and five hundred other Indians; captured between four and five hundred ponies and mules. Our loss is nine killed and thirty eight wounded. All did nobly. I think I will catch some more of them about eighty miles on Smoky Hill. We found a white man's scalp, not more than three days old, in a lodge.

J. M. CHIVINGTON,
Col. Com'g District of Colorado, and
First Indian Expedition.

I am, gentlemen, very respectfully, your obedient servant,

CHARLES WHEELER
A. A. A. General

Document No. 20

LETTER FROM MAJ. ANTHONY--ABOUT THE INDIAN FIGHT

(The Daily Rocky Mountain News (December 8, 1864), p. 2)

(The following from the Major to his brother, in this city, we are permitted to publish:)

Sand Creek,
25 miles above Fort Lyon,
December 1, 1864

Dear Web:--I am here with the command. We have just had, day before yesterday, an

Indian fight. We have nearly annihilated Black Kettle's band of Cheyennes and Left Hand's Arapahoes.

* *

I did my share, and I think my command did as well as any in the whole brigade, notwithstanding I lost one man killed and two slightly wounded; I was one of the first in the fight and among the last to leave, and my loss is less than any other batallion. We have forty-seven persons killed and wounded.

* *

I will give particulars when I see you. We start for another band of red-skins and shall fight differently next time. I never saw more bravery displayed by any set of people on the face of the earth than by those Indians. They would charge on a whole company singly, determined to kill some one before being killed themselves. We, of course, took no prisoners, except John Smith's son, and he was taken suddenly ill in the night and died before morning.

Lieut. Baldwin, of my command, lost his horse. I had one horse shot under me, but came off with a whole "hide." I did not sleep for three days and two nights until last evening.

S. J. ANTHONY

Document No. 21

"Additional about the Indian Fight", The Daily Rocky Mountain News (December 8, 1864) p. 2.

Headquarters District of Colorado, In the field, on
Big Bend of Sandy Creek, Col. Ter., Nov. 29, 1864

To Chas. Wheeler, A. A. A. General, Headquarters District of Colorado, Denver:

Sir:--I have not the time to give you a detailed history of our engagement of today, or to mention those officers and men who distinguished themselves in one of the most bloody Indian battles ever fought on these plains. You will find enclosed, the report of my Surgeon in charge, which will bring to many anxious friends, the sad fate of loved ones, who are and have been risking everything to avenge the horrid deeds of those savages we have so severely handled. We made a forced march of forty miles and surprised, at break of day, one of the most powerful villages of the Cheyenne nation, and captured over five hundred animals; killing the celebrated Chiefs "One Eye," "White Antelope", "Knock Kno", "Black Kettle", and "Little Robe," with about five hundred of their people, destroying all their lodges and equipage, making almost an annihilation of the entire tribe.

I shall leave here, as soon as I can see our wounded safely on the way to the hospital at Fort Lyon, for the villages of the Sioux, which are reported about eighty miles from here on the Smoky Hill, and three thousand strong--so look out for more fighting. I will state for the consideration of gentlemen who are opposed to fighting these red scoundrels, that I was shown, by my Chief Surgeon, the scalp of a white man taken from the lodge of one of the Chiefs, which could not have been more than two or three days taken; and I could mention many more things to show how these Indians, who have been drawing Government rations at Fort Lyon, are and have been acting.

(Signed) J. M. CHIVINGTON
Col. Comd'g Colorado Expedition, Against Indians on Plains.

Editorial: "The Fort Lyon Affair", The Rocky Mountain Daily News (December 30, 1864) p. 2.

The issue of yesterday's News, containing the following dispatch, created considerable of a sensation in this city, particularly among the Thirdsters and others who participated in the recent campaign and the battle on Sand Creek:

"Washington, Dec. 20.--The affair at Fort Lyon, Colorado, in which Colonel Chivington destroyed a large Indian village, and all its inhabitants, is to be made the subject of Congressional investigation. Letters received from high officials in Colorado, say that the Indians were killed after surrendering, and that a large proportion of them were women and children."

Indignation was loudly and unequivocally expressed, and some less considerate of the boys were very persistent in their inquiring as to who those "high officials" were, with a mild intimation that they had half a mind to "go for them." This talk about "friendly Indians" and a "surrendered" village, will do to "tell to marines," but to us out here it is all bosh.

The confessed murderers of the Hungate family--a man and wife and their two little babes, whose scalped and mutilated remains were seen by all our citizens--were "friendly Indians", we suppose, in the eyes of these "high officials." They fell in the Sand creek battle.

The confessed participants in a score of other murders of peaceful settlers and inoffensive travellers upon our borders and along our roads in the past six months, must have been friendly, or else the "high officials" wouldn't say so.

The band of marauders in whose possession were found scores of horses and mules stolen from government and from individuals; wagon loads of flour, coffee, sugar and tea, and rolls of broad cloth, calico, books, etc., robbed from freighters and emigrants on the plains; underclothes of white women and children stripped from their murdered victims, were probably peaceably disposed toward some of those "high officials," but the mass of our people "can't see it."

Probably those scalps of white men, women and children--one of them fresh--not three days taken--found drying in their lodges were taken in a friendly, playful manner; or possibly those Indian saddle blankets trimmed with the scalps of white women, and with braids and fringes of their hair, were kept simply as mementoes of their owners' high affection for the pale face. At any rate these delicate and tasteful ornaments could not have been taken from the heads of the wives, sisters or daughters of these "high officials."

. . . . . .

But we are not sure that an investigation may not be a good thing. It should go back of the "affair at Fort Lyon"--as they are pleased to term it down east--however, and let the world know who were making money by keeping those Indians under the sheltering protection of Fort Lyon; learn who was interested in systematically representing that the Indians were friendly and wanted peace. It is unquestioned and undenied that the site of the Sand Creek battle was the rendezvous of the thieving and marauding bands of savages who roamed over this country last summer and fall, and it is shrewdly suspected that somebody was all the time making a very good thing out of it. By all means let there be an investigation, but we advise the Honorable Congressional committee who may be appointed to conduct it, to get their scalps insured before they pass Plum Creek on their way out.

Excerpts from the Report of the Joint Committee on the Conduct of the War, concerning the Sand Creek battle.[1]

(House of Representatives Resolution, January 10, 1865: Resolution: "That the Committee on the Conduct of the War be required to inquire into and report all the facts connected with the late attack of the regiment of Colorado volunteers, under Colonel Chivington, on a village of the Cheyenne tribe of Indians, near Fort Lyon".)

(Senators B. F. Wade (R-Ohio) and C. R. Buckalew (D.-Pa.), and Representatives D. W. Gooch (R.-Mass.) and B. F. Loan (Emancipationist-Mo.) questioned those who testified in this investigation).

The Joint Committee on the Conduct of the War submit the following report:

In the summer of 1864 Governor Evans, of Colorado Territory, as acting superintendent of Indian affairs, sent notice to the various bands and tribes of Indians within his jurisdiction that such as desired to be considered friendly to the whites should at once repair to the nearest military post in order to be protected from the soldiers who were to take the field against the hostile Indians.

About the close of the summer, some Cheyenne Indians, in the neighborhood of the Smoke Hills, sent word to Major Wynkoop, the commandant of the post of Fort Lyon, that they had in their possession, and were willing to deliver up, some white captives they had purchased of other Indians....

All the testimony goes to show that the Indians, under the immediate control of Black Kettle and White Antelope of the Cheyennes, and Left Hand of the Arapahoes, were and had been friendly to the whites, and had not been guilty of any acts of hostility or depredation. The Indian agents, the Indian interpreter and others examined by your committee, all testify to the good character of those Indians. Even Governor Evans and Major Anthony, though evidently willing to convey to your committee a false impression of the character of those Indians, were forced, in spite of their prevarication, to admit that they knew of nothing they had done which rendered them deserving of punishment.

A northern band of the Cheyennes, known as the Dog Soldiers, had been guilty of acts of hostility; but all the testimony goes to prove that they had no connexion with Black Kettle's band, but acted in despite of his authority and influence. Black Kettle and his band denied all connexion with or responsibility for the Dog Soldiers, and Left Hand and his band of Arapahoes were equally friendly.

These Indians, at the suggestion of Governor Evans and Colonel Chivington, repaired to Fort Lyon and placed themselves under the protection of Major Wynkoop. They were led to believe that they were regarded in the light of friendly Indians, and would be treated as such so long as they conducted themselves quietly.

The treatment extended to those Indians by Major Wynkoop does not seem to have satisfied those in authority there, and for some cause, which does not appear, he was removed, and Major Scott J. Anthony was assigned to the command at Fort Lyon; but even Major Anthony seems to have found it difficult at first to pursue any different course towards the Indians he found there. They were entirely within the power of the military. Major Anthony having demanded their arms, which they surrendered to him, they conducted themselves quietly, and in every way manifested a disposition to remain at peace with the whites. For a time even he continued issuing rations to them as Major Wynkoop had done; but it was determined by Major

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[1] "Massacre of the Cheyenne Indians", Report of the Joint Committee on the Conduct of the War (Vol IV of the Reports of the Committees of the Senate of the United States, 38th Cong. 2nd Session, 1864-65) (Washington, Government Printing Office, 1865), pp. i-vi.

Anthony (whether upon his own motion or at the suggestion of others does not appear) to pursue a different course towards these friendly Indians. They were called together and told that rations could no longer be issued to them, and they had better go where they could obtain subsistence by hunting. At the suggestion of Major Anthony (and from one in his position a suggestion was equivalent to a command) these Indians went to a place on Sand creek, about thirty-five miles from Fort Lyon, and there established their camp, their arms being restored to them. He told them that he then had no authority to make peace with them; but in case he received such authority he would inform them of it....

Everything seems to have been done to remove from the minds of these Indians any fear of approaching danger; and when Colonel Chivington commenced his movement he took all the precautions in his power to prevent these Indians learning of his approach. For some days all travel on that route was forcibly stopped by him, not even the mail being allowed to pass. On the morning of the 28th of November he appeared at Fort Lyon with over 700 mounted men and two pieces of artillery. One of his first acts was to throw a guard around the post to prevent any one leaving it. At this place Major Anthony joined him with 125 men and two pieces of artillery.

On the night of the 28th the entire party started from Fort Lyon, and, by a forced march, arrived at the Indian camp, on Sand creek, shortly after daybreak. This Indian camp consisted of about 100 lodges of Cheyennes, under Black Kettle, and from 8 to 10 lodges of Arapahoes under Left Hand. It is estimated that each lodge contained five or more persons, and that more than one-half were women and children.

Upon observing the approach of the soldiers, Black-Kettle, the head chief, ran up to the top of his lodge an American flag, which had been presented to him some years before by Commissioner Greenwood, with a small white flag under it, as he had been advised to do in case he met with any troops on the prairies. Mr. Smith, the interpreter, supposing they might be strange troops, unaware of the character of the Indians encamped there, advanced from his lodge to meet them, but was fired upon, and returned to his lodge.

And then the scene of murder and barbarity began--men, women and children were indiscriminately slaughtered. In a few minutes all the Indians were flying over the plain in terror and confusion. A few who endeavored to hide themselves under the bank of the creek were surrounded and shot down in cold blood, offering but feeble resistance. From the sucking babe to the old warrior, all who were overtaken were deliberately murdered. Not content with killing women and children, who were incapable of offering any resistance, soldiers indulged in acts of barbarity of the most revolting character; such, it is to be hoped, as never before disgraced the acts of men claiming to be civilized. No attempt was made by the officers to restrain the savage cruelty of the men under their command, but they stood by and witnessed these acts without one word of reproof, if they did not incite their commission. For more than two hours the work of murder and barbarity was continued, until more than one hundred dead bodies, three-fourths of them of women and children lay on the plain as evidences of the fiendish malignity and cruelty of the officers who had so sedulously and carefully plotted the massacre, and of the soldiers who had so faithfully acted out the spirit of their officers.

It is difficult to believe that beings in the form of men, and disgracing the uniform of United States soldiers and officers, could commit or countenance the commission of such acts of cruelty and barbarity as are detailed in the testimony, but which your committee will not specify in their report. It is true that there seems to have existed among the people inhabiting that region of country a hostile feeling towards the Indians. Some of the Indians had committed acts of hostility towards the whites; but no effort seems to have been made by the authorities there to prevent these hostilities, other than by the commission of even worse acts. The hatred of the whites to the Indians would seem to have been inflamed and excited to the utmost; the bodies of persons killed at a great distance--whether by Indians or not, is not certain--were brought to the capital of the Territory and exposed to the public gaze for the purpose of inflaming still more the already excited feeling

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of the people. Their cupidity was appealed to, for the governor in a proclamation calls upon all, "either individually or in such parties as they may organize," "to kill and destroy as enemies of the country, wherever they may be found, all such hostile Indians," authorizing them to "hold to their own private use and benefit all the property of said hostile Indians that they may capture." What Indians he would ever term friendly it is impossible to tell. His testimony before your committee was characterized by such prevarication and shuffling as has been shown by no witness they have examined during the four years they have been engaged in their investigations; and for the evident purpose of avoiding the admission that he was fully aware that the Indians massacred so brutally at Sand creek, were then, and had been, actuated by the most friendly feelings towards the whites, and had done all in their power to restrain those less friendly disposed.

. . . . . .

As to Colonel Chivington, your committee can hardly find fitting terms to describe his conduct. Wearing the uniform of the United States, which should be the emblem of justice and humanity; holding the important position of commander of a military district, and therefore having the honor of the government to that extent in his keeping, he deliberately planned and executed a foul and dastardly massacre which would have disgraced the veriest savage among those who were the victims of his cruelty. Having full knowledge of their friendly character, having himself been instrumental to some extent in placing them in their position of fancied security, he took advantage of their inapprehension and defenceless condition to gratify the worst passions that ever cursed the heart of man. It is thought by some that desire for political preferment prompted him to this cowardly act; that he supposed that by pandering to the inflamed passions of an excited population he could recommend himself to their regard and consideration. Others think it was to avoid the being sent where there was more of danger and hard service to be performed; that he was willing to get up a show of hostility on the part of the Indians by committing himself acts which savages themselves would never premeditate. Whatever may have been his motive, it is to be hoped that the authority of this government will never again be disgraced by acts such as he and those acting with him have been guilty of committing.

. . . . . .

Respectfully submitted.

B. F. WADE, Chairman.

Document No. 24

Testimony of Mr. John S. Smith before the Joint Committee on the Conduct of the War [1]

Washington, March 14, 1865

Mr. John S. Smith sworn and examined.

By Mr. Gooch:

Q. Where is your place of residence? A. Fort Lyon, Colorado.

Q. What is your occupation? A. United States Indian interpreter and special Indian agent.

Q. Will you state to the committee all that you know in relation to the attack of Colonel Chivington upon the Cheyenne and Arapahoe Indians in November last?

A. Major Anthony was in command at Fort Lyon at the time. Those Indians had

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[1] Ibid., pp. 4-12.

been induced to remain in the vicinity of Fort Lyon, and were promised protection by the commanding officer at Fort Lyon. The commanding officer saw proper to keep them some thirty or forty miles distant from the fort, for fear of some conflict between them and the soldiers or the travelling population, for Fort Lyon is on a great thoroughfare. He advised them to go out on what is called Sand creek, about forty miles, a little east of north from Fort Lyon. Some days after they had left Fort Lyon, when I had just recovered from a long spell of sickness, I was called on by Major S. G. Colley, who asked me if I was able and willing to go out and pay a visit to these Indians, ascertain their numbers, their general disposition toward the whites, and the points where other bands might be located in the interior.

Q. What was the necessity for obtaining that information?

A. Because there were different bands which were supposed to be at war; in fact, we knew at the time that they were at war with the white population in that country; but this band had been in and left the post perfectly satisfied. I left to go to this village of Indians on the 26th of November last. I arrived there on the 27th and remained there the 28th. On the morning of the 29th, between daylight and sunrise--nearer sunrise than daybreak--a large number of troops were discovered from three-quarters of a mile to a mile below the village. The Indians, who discovered them, ran to my camp, called me out, and wanted me to go and see what troops they were, and what they wanted. The head chief of the nation, Black Kettle, and head chief of the Cheyennes, was encamped there with us. Some years previous he had been presented with a fine American flag by Colonel Greenwood, a commissioner, who had been sent out there. Black Kettle ran this American flag up to the top of his lodge, with a small white flag tied right under it, as he had been advised to do in case he should meet with any troops out on the prairies. I then left my own camp and started for that portion of the troops that was nearest the village, supposing I could go up to them. I did not know but they might be strange troops, and thought my presence and explanations could reconcile matters. Lieutenant Wilson was in command of the detachment to which I tried to make my approach; but they fired several volleys at me.

Q. Did these troops know you to be a white man?

A. Yes, sir; and the troops that went there knew I was in the village.

Q. Did you see Lieutenant Wilson, or were you seen by him?

A. I cannot say I was seen by him; but his troops were the first to fire at me.

Q. Did they know you to be a white man?

A. They could not help knowing it. I had on pants, a soldier's overcoat, and a hat such as I am wearing now. I was dressed differently from any Indian in the country. On my return I entered my lodge, not expecting to get out of it alive. I had two other men there with me: one was David Louderbach, a soldier, belonging to company G, 1st Colorado cavalry; the other, a man by the name of Watson, who was a hired hand of Mr. D. D. Colley, the son of Major Colley, the agent.

After I had left my lodge to go out and see what was going on, Colonel Chivington rode up to within fifty or sixty yards of where I was camped; he recognized me at once. They all call me Uncle John in that country. He said, "Run here, Uncle John; you are al right." I went to him as fast as I could. He told me to get in between him and his troops, who were then coming up very fast; I did so; directly, another officer who knew me--Lieutenant Baldwin, in command of a battery--tried to assist me to get a horse; but there was no loose horse there at the time. He said, "Catch hold of the caisson, and keep up with us."

By this time the Indians had fled; had scattered in every direction. The troops were some on one side of the river and some on the other, following up the Indians. We had been encamped on the north side of the river; I followed along, holding on the caisson, sometimes running, sometimes walking. Finally, about a mile above the village, the troops had got a parcel of the Indians hemmed in under the bank of the river; as soon as the troops overtook them, they commenced firing on them; some troops had got above them, so that they were completely surrounded. There were probably a hundred Indians hemmed in there, men, women, and children; the most of the men in the village escaped.

By the time I got up with the battery to the place where these Indians were surrounded there had been some considerable firing. Four or five soldiers had been killed, some with arrows and some with bullets. The soldiers continued firing on these Indians, who numbered about a hundred, until they had almost completely destroyed them. I think I saw altogether some seventy dead bodies lying there; the greater portion women and children. There may have been thirty warriors, old and young; the rest were women and small children of different ages and sizes.

The troops at that time were very much scattered. There were not over two hundred troops in the main fight, engaged in killing this body of Indians under the bank. The balance of the troops were scattered in different directions, running after small parties of Indians who were trying to make their escape. I did not go to see how many they might have killed outside of the party under the bank of the river. Being still quite weak from my last sickness, I returned with the first body of troops that went back to the camp.

The Indians had left their lodges and property; everything they owned. I do not think more than one-half of the Indians left their lodges with their arms. I think there were between 800 and 1,000 men in this command of United States troops. There was a part of three companies of the 1st Colorado, and balance were what were called 100-days men of the 3d regiment. I am not able to say which party did the most execution on the Indians, because it was very much mixed up at the time.

We ramined there that day after the fight. By 11 o'clock, I think, the entire number of soldiers had returned back to the camp where colonel Chivington had returned. On their return he ordered the soldiers to destroy all the Indian property there, which they did, with the exception of what plunder they took away with them, which was considerable.

Q. How many Indians were there there? A. There were 100 families of Cheyennes, and some six or eight lodges of Arapahoes.

Q. How many persons in all, should you say? A. About 500; we estimate them at five to a lodge.

Q. 500 men, women, and children? A. Yes, sir.

Q. Do you know the reason for that attack on the Indians?

A. I do not know any exact reason. I have heard a great many reasons given. I have heard that that whole Indian war had been brought on for selfish purposes. Colonel Chivington was running for Congress in Colorado and there were other things of that kind; and last spring a year ago he was looking for an order to go to the front, and I understand he had this Indian war in view to retain himself and his troops in that country, to carry out his electioneering purposes.

Q. In what way did this attack on the Indians further the purpose of Colonel Chivington?

A. It was said--I did not hear him say it myself, but it was said that he would do something; he had this regiment of three-months men, and did not want them to go out without doing some service. Now he had been told repeatedly by different persons--by myself, as well as others--where he could find the hostile bands.

The same chiefs who were killed in this village of Cheyennes had been up to see Colonel Chivington in Denver but a short time previous to this attack. He himself told them that he had no power to treat with them; that he had received telegrams from General Curtis directing him to fight all Indians he met with in that country. Still he would advise them, if they wanted any assistance from the whites, to go to their nearest military post in their country, give up their arms and the stolen property, if they had any, and then they would receive directions in what way to act. This was told them by Colonel Chivington and by Governor Evans, of Colorado. I myself interpreted for them and for the Indians.

Q. Did Colonel Chivington hold any communication with these Indians, or any of them, before making the attack upon them?

A. No, sir, not then. He had some time previously held a council with them at Denver city. When we first recovered the white prisoners from the Indians, we invited some of the chiefs to go to Denver, inasmuch as they had sued for peace, and

were willing to give up these white prisoners. We promised to take the chiefs to Denver, where they had an interview with men who had more power than Major Wynkoop had, who was the officer in command of the detachment that went out to recover these white prisoners. Governor Evans and Colonel Chivington were in Denver, and were present at this council. They told the Indians to return with Major Wynkoop, and whatever he agreed on doing with them would be recognized by them.

I returned with the Indians to Fort Lyon. There we let them go out to their villages to bring in their families, as they had been invited through the proclamation or circular of the governor during the month of June, I think. They were gone some twelve or fifteen days from Fort Lyon, and then they returned with their families. Major Wynkoop had made them one or two issues of provisions previous to the arrival of Major Anthony there to assume command. Then Major Wynkoop, who is now in command at Fort Lyon, was ordered to Fort Leavenworth on some business with General Curtis, I think.

Then Major Anthony, through me, told the Indians that he did not have it in his power to issue rations to them, as Major Wynkoop had done. He said that he had assumed command at Fort Lyon, and his orders were positive from headquarters to fight the Indians in the vicinity of Fort Lyon, or at any other point in the Territory where they could find them. He said that he had understood that they had been behaving very badly. But on seeing Major Wynkoop and others there at Fort Lyon, he was happy to say that things were not as had been represented, and he could not pursue any other course than that of Major Wynkoop, except the issuing rations to them. He then advised them to go out to some near point, where there was buffalo, not too far from Fort Lyon, or they might meet with troops from the Platte, who would not know them from the hostile bands. This was the southern band of Cheyennes; there is another band called the northern band. They had no apprehensions in the world of any trouble with the whites at the time this attack was made.

Q. Had there been, to your knowledge, any hostile act or demonstration on the part of these Indians, or any of them?

A. Not in this band. But the northern band, known by the name of Dog soldiers of Cheyennes, had committed many depredations on the Platte.

Q. Do you know whether or not Colonel Chivington knew the friendly character of these Indians before he made the attack upon them?

A. It is my opinion that he did.

Q. On what is that opinion based? A. On this fact, that he stopped all persons from going on ahead of him. He stopped the mail, and would not allow any person to go on ahead of him at the time he was on his way from Denver city to Fort Lyon. He placed a guard around old Colonel Bent, the former agent there; he stopped a Mr. Hagues and many men who were on their way to Fort Lyon. He took the fort by surprise, and as soon as he got there he posted pickets all around the fort, and then left at 8 o'clock that night for this Indian camp.

Q. Was that anything more than the exercise of ordinary precaution in following Indians?

A. Well, sir, he was told that there were no Indians in the vicinity of Fort Lyon, except Black Kettle's band of Cheyennes and Left Hand's band of Arapahoes.

Q. How do you know that? A. I was told so.

By Mr. Buckalew:

Q. Do you know it of your own knowledge? A. I cannot say I do.

Q. You did not talk with him about it before tha attack? A. No, sir.

By Mr. Gooch:

Q. When you went out to him, you had no opportunity to hold intercourse with him?

A. None whatever; he had just commenced his fire against the Indians,

Q. Did you have any communication with him at any time while there?
A. Yes, sir.
Q. What was it? A. He asked me many questions about a son of mine, who was killed there afterwards. He asked me what Indians were there, what chiefs; and I told him as fully as I knew.

By Mr. Buckalew:

Q. When did you talk with him? A. On the day of the attack. He asked me many questions about the chiefs who were there, and if I could recognize them if I saw them. I told him it was possible I might recollect the principal chiefs. They were terribly mutilated, lying there in the water and sand; most of them in the bed of the creek, dead and dying, making many struggles. They were so badly mutilated and covered with sand and water that it was very hard for me to tell one from another. However, I recognized some of them--among them the chief One Eye, who was employed by our government at $125 a month and rations to remain in the village as a spy. There was another called War Bonnet, who was here two years ago with me. There was another by the name of Standing-in-the-Water, and I supposed Black Kettle was among them, but it was not Black Kettle. There was one there of his size and dimensions in every way, but so tremendously mutilated that I was mistaken in him. I went out with Lieutenant Colonel Bowen, to see how many I could recognize.

By Mr. Gooch:

Q. Did you tell Colonel Chivington the character and disposition of these Indians at any time during your interviews on this day?
A. Yes, sir.
Q. What did he say in reply? A. He said he could not help it; that his orders were positive to attack the Indians.
Q. From whom did he receive these orders? A. I do not know; I presume from General Curtis.
Q. Did he tell you? A. Not to my recollection.
Q. Were the women and children slaughtered indiscriminately, or only so far as they were with the warriors? A. Indiscriminately.
Q. Were there any acts of barbarity perpetrated there that came under your own observation?
A. Yes, sir; I saw the bodies of those lying there cut all to pieces, worse mutilated than any I ever saw before; the women cut all to pieces.

By Mr. Buckalew:

Q. How cut? A. With knives; scalped; their brains knocked out; children two or three months old; all ages lying there, from sucking infants up to warriors.

By Mr. Gooch:

Q. Did you see it done? A. Yes, sir; I saw them fall.
Q. Fall when they were killed? A. Yes, sir.
Q. Did you see them when they were mutilated? A. Yes, sir.
Q. By whom were they mutilated? A. By the United States troops.
Q. Do you know whether or not it was done by the direction or consent of any of the officers? A. I do not know; I hardly think it was.

By Mr. Buckalew:

Q. What was the date of that massacre? A. On the 29th of November last. 16

Q. Did you speak of these barbarities to Colonel Chivington?

A. No, sir; I had nothing at all to say about it, because at that time they were hostile towards me, from the fact of my being there. They probably supposed that I might be compromised with them in some way or other.

Q. Who called on you to designate the bodies of those who were killed?

A. Colonel Chivington himself asked me if I would ride out with Lieutenant Colonel Bowen, and see how many chiefs or principal men I could recognize.

Q. Can you state how many Indians were killed--how many women and how many children?

A. Perhaps one-half were men, and the balance were women and children. I do not think that I saw more than 70 lying dead then, as far as I went. But I saw parties of men scattered in every direction, pursuing little bands of Indians.

Q. What time of day or night was this attack made?

A. The attack commenced about sunrise, and lasted until between 10 and 11 o'clock.

Q. How large a body of troops? A. From 800 to 1,000 men.

By Mr. Gooch:

Q. What amount of resistance did the Indians make?

A. I think that probably there may have been about 60 or 70 warriors who were armed and stood their ground and fought. Those that were unarmed got out of the way as they best could.

Q. How many of our troops were killed, and how many wounded?

A. There were ten killed on the ground, and thirty-eight wounded; four of the wounded died at Fort Lyon before I came on east.

Q. Were there any other barbarities or atrocities committed there other than those you have mentioned, that you saw?

A. Yes, sir; I had a half-breed son there, who gave himself up. He started at the time the Indians fled; being a half-breed he had but little hope of being spared, and seeing them fire at me, he ran away with the Indians for the distance of about a mile. During the fight up there he walked back to my camp and went into the lodge. It was surrounded by soldiers at the time. He came in quietly and sat down; he remained there that day, that night, and the next day in the afternoon; about four o'clock in the evening, as I was sitting inside the camp, a soldier came up outside of the lodge and called me by name. I got up and went out; he took me by the arm and walked towards Colonel Chivington's camp, which was about sixty yards from my camp. Said he, "I am sorry to tell you, but they are going to kill your son Jack". I knew the feeling towards the whole camp of Indians, and that there was no use to make any resistance. I said, "I can't help it." I then walked on toward where Colonel Chivington was standing by his camp-fire; when I had got within a few feet of him I heard a gun fired, and saw a crowd run to my lodge, and they told me that Jack was dead.

Q. What action did Colonel Chivington take in regard to that matter?

A. Major Anthony, who was present, told Colonel Chivington that he had heard some remarks made, indicating that they were desirous of killing Jack; and that he (Colonel Chivington) had it in his power to save him, and that by saving him he might make him a very useful man, as he was well acquainted with all the Cheyenne and Arapahoe country, and he could be used as a guide or interpreter. Colonel Chivington replied to Major Anthony, as the Major himself told me, that he had no orders to receive and no advice to give. Major Anthony is now in this city.

By Mr. Buckalew:

Q. Did Chivington say anything to you, or you to him, about the firing?

A. Nothing directly; there were a number of officers sitting around the fire, with the most of whom I was acquainted.

Q. Was there any business to transact at Chivington's camp when you were brought there?

A. None with me; except that I was invited to go there and remain in that camp, as I might be considered in danger of losing my life if I was away from there.

By Mr. Gooch:

Q. Were there any other Indians or half-breeds there at that time?

A. Yes, sir; Mr. Bent had three sons there; one employed as a guide for these troops at the time, and two others living there in the village with the Indians; and a Mr. Gerry had a son there.

Q. Were there any other murders after the first day's massacre?

A. There was none, except of my son.

Q. Were there any other atrocities which you have not mentioned?

A. None that I saw myself. There were two women that white men had families by; they were saved from the fact of being in my lodge at the time. One ran to my lodge; the other was taken prisoner by a soldier who knew her and brought her to my lodge for safety. They both had children. There were some small children, six or seven years old, who were taken prisoners near the camp. I think there were three of them taken to Denver with these troops.

Q. Were the women and children that were killed, killed during the fight with the Indians?

A. During the fight, or during the time of the attack.

Q. Did you see any women or children killed after the fight was over?

A. None.

Q. Did you see any Indians killed after the fight was over? A. No, sir.

By Mr. Buckalew:

Q. Were the warriors and women and children all huddled together when they were attacked?

A. They started and left the village altogether, in a body, trying to escape.

By Mr. Gooch:

Q. Do you know anything as to the amount of property that those Indians had there?

A. Nothing more than their horses. They were supposed to own ten horses and mules to a lodge; that would make about a thousand head of horses and mules in that camp. The soldiers drove off about six hundred head.

Q. Had they any money?

A. I understood that some of the soldiers found some money, but I did not see it. Mr. D. D. Colley had some provisions and goods in the village at the time, and Mr. Louderback and Mr. Watson were employed by him to trade there. I was to interpret for them, direct them, and see that they were cared for in the village. They had traded for one hundred and four buffalo robes, one fine mule, and two horses. This was all taken away from them. Colonel Chivington came to me and told me I might rest assured that he would see the goods paid for. He had confiscated these buffalo robes for the dead and wounded; and there was also some sugar and coffee and tea taken for the same purpose.

I would state that in his report Colonel Chivington states that after this raid on Sand creek against the Cheyenne and Arapahoe Indians he travelled northeast some eighty miles in the direction of some hostile bands of Sioux Indians. Now that is very incorrect, according to my knowledge of matters; I remained with Colonel Chivington's camp, and returned on his trail towards Fort Lyon from the camp where he made this raid. I went down with him to what is called the forks of the Sandy. He then took a due south course for the Arkansas river, and I went to Fort Lyon

Document No. 24 - (Cont'd)

with the killed and wounded, and an escort to take up in. Colonel Chivington proceeded down the Arkansas river, and got within eleven miles of another band of Arapahoe Indians, but did not succeed in overtaking them. He then returned to Fort Lyon, re-equipped, and started immediately for Denver.

Q. Have you spent any considerable portion of your life with the Indians?
A. I have been twenty-seven successive years with the Cheyennes and Arapahoes. Before that I was in the country as a trapper and hunter in the Rocky mountains.
Q. For how long time have you acted as Indian interpreter?
A. For some fifteen or eighteen years.
Q. By whom have you been so employed?
A. By Major Fitzpatrick, Colonel Bent, Major Colley, Colonel J. W. Whitfield, and a great deal of the time for the military as guide and interpreter.

By Mr. Buckalew:

Q. How many warriors were estimated in Colonel Chivington's report as having been in this Indian camp?
A. About nine hundred.
Q. How many were there? A. About two hundred warriors; they average about two warriors to a lodge, and there were about one hundred lodges.

Document No. 25

Excerpts from the testimony of Major Scott J. Anthony before the Joint Committee on the Conduct of the War.[1]

Washington, March 14, 1865.

Major Scott J. Anthony sworn and examined.

By Mr. Loan:

Q. What is your place of residence? A. Fort Lyon, Colorado Territory.
Q. Do you hold any position in the military or civil service of the government?
A. None at present.
Q. Have you held any at any time?
A. I was major of the 1st Colorado cavalry from the 1st of November, 1862, until the 21st of January, 1865.
Q. Were you present at the killing of the Cheyenne Indians, on their reserve, not far from Fort Lyon, on Sand creek?
A. Itwas not an Indian reserve. I was present at the time.
Q. State what force was organized, under what orders it acted, under whose command it was, and what was done.
A. The command reached Fort Lyon on the morning of the 28th of November last, under command of Colonel Chivington. It consisted of a portion of the 1st regiment of Colorado cavalry, and about 600 men of the 3d regiment of Colorado cavalry; numbering in all in the neighborhood of 700 men, with two pieces of artillery. I joined them there with 125 men and two pieces of artillery. We left on the night of the 28th, for Sand creek, and reached there on the morning of the 29th at daybreak. We found an Indian camp of about 130 lodges, consisting mostly of Cheyennes; there were a small band of Arapahoe Indians with them. The Indians were attacked

[1] Ibid., pp. 16-29

by us, under command of Colonel Chivington about sunrise in the morning. Detachments from the command took position on two sides of their camp. There had been a little firing before that. When I first came up with my command, the Indians, men, women, and children, were in a group together, and there was firing from our command upon them. The Indians attempted to escape, the women and children, and our artillery opened on them while they were running. Quite a party of Indians took position under the bank, in the bed of the creek, and returned fire upon us. We fought them about seven hours, I should think, there being firing on both sides. The loss on our side was 49 men killed and wounded; on theirs I suppose it was about 125.

Q. Under what chief was that band of Indians?

A. Black Kettle, I think, was the principal chief. There were several chiefs in the camp, but Black Kettle, I think, was the head chief.

Q. Were there any warriors in that camp? A. There were.

Q. What number, do you suppose?

A. I would not be able to tell very accurately. There were a great many men who fought us; I should think there were in the neighborhood of a hundred men who were fighting us while we were there. Perhaps there were not quite so many as that, but as near as I could judge there were from 75 to 100 Indians returning our fire. I was in command at Fort Lyon, and had held a council with these Indians before; had talked with them, and had recognized Black Kettle as their head chief.

Q. What was the result of the conference you had with them?

A. The circumstances were about these: I was in command at Fort Larned, 240 miles east of Fort Lyon, which place the Indians had attacked in the spring, stealing all the stock at the post, burning the bridges, and damaging the post considerably. Major Wynkoop, who had been in command at Fort Lyon, had had some difficulty with the Indians at that point. He had proposed terms of peace with the Indians, which action was not approved at the headquarters of the department or district.

Q. Were there any military orders issued disapproving his arrangements?

A. There were.

Q. Can you give the numbers of these orders, and by whom issued?

A. I have copies of them, I think. One was Special Order No. 4, paragraph No. 7, from headquarters of the district of Upper Kansas. There were several orders in regard to the same matter.

Q. What I want is the order of department headquarters disapproving of what Major Wynkoop had done, and also the order of district headquarters.

A. I do not think I have those orders in the city.

Q. Do you know who has them?

A. I do not. General Curtis was the commander of the department at the time this difficulty took place between Major Wynkoop and the Indians at Smoky Hill, and Major General Blunt was in command of the district. I was out with Major General Blunt in a campaign against the Indians.

Q. Did you ever see those orders from the department headquarters disapproving of Major Wynkoop's action in regard to that matter?

A. Only so far as it related to his unmilitary conduct.

Q. I mean his attempt to pacify the Indians?

A. I have never seen those orders; I have heard of them.

Q. Now, to return to the point when you were in command at Fort Lyon.

A. I took command there on the second day of November.

Q. You say you held a conference with the Indians? State what occurred.

A. At the time I took command at the post there was a band of Arapahoe Indians encamped about a mile from the post, numbering, in men, women, and children, 652. They were visiting the post almost every day. I met them and had a talk with them. Among them was Left Hand, who was a chief among the Arapahoes. He with his band was with the party at that time. I talked with them, and they proposed to do whatever I said; whatever I said for them to do they would do. I told them that I could not feed them; that I could not give them anything to eat; that there were positive

orders forbidding that; and that I could not permit them to come within the limits of the post. At the same time they might remain where they were, and I would treat them as prisoners of war if they remained; that they would have to surrender to me all their arms and turn over to me all stolen property they had taken from the government and citizens. These terms they accepted. They turned over to me some twenty head of stock, mules, and horses, and a few arms, but not a quarter of the arms that report stated they had in their possession. The arms they turned over to me were almost useless. I fed them for some ten days. At the end of that time I told them I could not feed them any more; that they better go out to the buffalo country where they could kill game to subsist upon. I returned their arms to them, and they left the post. But before leaving they sent word out to the Cheyennes that I was not very friendly towards them.

Q. How do you know that?

A. Through several of their chiefs; Neva, an Arapahoe chief; Left Hand, of the Arapahoes; then Black Kettle and War Bonnet, of the Cheyennes. A delegation of the Cheyennes, numbering, I suppose, fifty or sixty men, came in just before the Arapahoes left the post. I met them outside of the post and talked with them. They said they wanted to make peace; that they had no desire to fight against us any longer; that there had been difficulty between the whites and Indians there, and they had no desire to fight any longer. I told them I had no authority from department headquarters to make peace with them; that I could not permit them to visit the post and come within the lines; that when they had been permitted to do so at Fort Larned, while the squaws and children of the different tribes that visited that post were dancing in front of the officers' quarters and on the parade ground, the Indians had made an attack on the post, fired on the guard, and run off the stock, and I was afraid the same thing might occur at Fort Lyon. I would not permit them to visit the post at all. I told them I could make no offers of peace to them until I heard from district headquarters. I told them, however, that they might go out and camp on Sand creek, and remain there if they chose to do so; but they should not camp in the vicinity of the post; and if I had authority to make peace with them I would go out and let them know of it.

In the mean time I was writing to district headquarters constantly, stating to them that there was a band of Indians within forty miles of the post--a small band--while a very large band was about 100 miles from the post. That I was strong enough with the force I had with me to fight the Indians on Sand creek, but not strong enough to fight the main band. That I should try to keep the Indians quiet until such time as I received re-enforcements; and that as soon as re-enforcements did arrive we should go further and find the main party.

But before the re-enforcements came from district headquarters, Colonel Chivington came to Fort Lyon with his command, and I joined him and went out on that expedition to Sand creek. I never made any offer to the Indians. It was the understanding that I was not in favor of peace with them. They so understood me, I suppose; at least I intended they should. In fact, I often heard of it through their interpreters that they did not suppose we were friendly towards them.

Q. What number of men did you have at Fort Lyon?

A. I had about 280 men.

Q. What was the number of Indians around Fort Lyon at any one time when you were talking to them?

A. I do not think there were over 725 Indians--men, women and children--within the vicinity of the post.

Q. At the time you held the conference with the Arapahoes, Left Hand, and others, how many men were present above the age of eighteen?

A. I should suppose from 60 to 100.

Q. Why did you not capture those Indians at that time?

A. I might say I did. I did not take them because I had instructions for district headquarters, as I construed them, to go and fight them wherever I met them. While they were there at the post I did intend to open fire upon them, in accordance with my instructions.

Q. Why did you not do it?

A. They were willing to accede to any request I might make. They turned over to me their arms and the property they had stolen from the government and citizens.

Q. What property did they turn over? A. Fourteen head of mules and six head of horses.

Q. Was it property purporting to have been stolen by them? A. Yes, sir.

Q. From whom?

A. They did not say. Yet some of it was recognized; some of it was branded " U.S." Some was recognized as being stock that belonged to citizens. It was generally understood afterwards--I did not know it at that time--that the son of the chief of the Arapahoes, Little Raven, and I think another, had attacked a small government train and killed one man.

Q. What had Little Raven to do with Black Kettle's band?

A. He was not with them at the time; Left Hand was.

Q. These Indians surrendered to you, and you took their arms from them?

A. Yes, sir.

Q. Did you issue rations to them? A. I did.

Q. What authority had you for returning their arms to them and ordering them off?

A. I had no orders in the matter. My instructions were to act upon my own judgment. At the same time there were orders issued that they should not be fed or clothed at the post.

Q. Who issued those orders? A. General Curtis.

Q. Were those orders issued after you had received the arms of the Indians?

A. Before that.

Q. They why did you receive those arms, and feed those Indians in violation of General Curits's orders?

A. I received the arms and told the Indians I could only issue them rations as prisoners. I fed them while there as prisoners, but afterwards released them.

Q. That is what I want to get at. Where did you get authority for releasing the prisoners that were captured?

A. I had no written authority for it.

Q. You did it upon your own judgment.

A. Yes, sir. That was my instructions, to act upon my own judgment in the matter. I thought we could not afford to feed them at the post; and they were in the buffalo country where they could subsist themselves.

Q. If they were dangerous to the government, why did you release them?

A. I did not so consider them then. They were almost all women and children, this Arapahoe band.

Q. Who was the chief of that band?

A. Little Raven was the chief of those I held as prisoners.

Q. Was Black Kettle with his band at the fort at any time you were in command?

A. No, sir, not at the fort; they passed by it.

Q. Did you ever hold any conference with them? A. I did.

Q. At what place? A. At the commissary building, about a half a mile from the fort.

Q. What number of men were with Black Kettle at that time?

A. I should think not far from sixty.

Q. State what passed at that conference, so far as you can remember.

A. They came in and inquired of me whether I had any authority to make peace with them. They said that they had heard through the Arapahoes that "things looked dark"--that was the term they used--that we were at war with them; that they had come in to ascertain whether these bad reports they had received were correct or not. I stated to them that I had no authority to make peace with them. That their young men were then out in the field fighting against us, and that I had no authority and no instructions to make any peace with them. I told them they might go back on Sand creek, or between there and the headquarters of the Smoky Hills, and remain

there until I received instructions from the department headquarters, from General Curtis; and that in case I did receive any authority to make peace with them I would give them notice in case we intended to attack them. They went away with that understanding, thatin case I received instructions from department headquarters I was to let them know it. But before I did receive any such instructions Colonel Chivington arrived there, and this affair on Sand creek took place.

Q. Why did you not arrest Black Kettle and his band there, or attack them when you had them at your mercy?

A. I did not do it, because I did not consider it a matter of policy to do it.

Q. Why not?

A. Because within 100 miles of us was a party of 2,500 or 3,000Indians. Black Kettle's band belonged to the same tribe of Indians, and I believed that soon as I made any attack upon Black Kettle's party, this whole tribe of Indians would rise and cut off our communication on both routes.

Q. How did you know that that party of 3,000 Indians were within 100 miles?

A. Black Kettle told me so himself. Jack Smith, the son of the Indian interpreter there, a half-breed, told me the same. One Eye, a Cheyenne chief, told me the same. On two different occasions One Eye told me where small raiding parties were going to start out from the main Sioux and Cheyenne camp to commit depredations on the road, and depredations were committed just about the time they said they would be, yet too soon for us to prevent it. I was satisfied in my own mind that if I had attacked Black Kettle there, although I might have taken his entire camp at any time, it would be the cause of opening up a general Indian war, and I was not strong enough to defend the settlement in case they commenced again.

Q. I understood you to say that the Indians were already at war with the whites.

A. Yes, sir. That is, they were sending out their raiding parties. Their men came there on Smoke Hill, and every little while a raiding party would make an attack on some train or some ranch, yet there was no large party at that particular time.

Q. Were there any other Indians at Sand creek, except Black Kettle's band and the Arapahoes of whom you have spoken?

A. There were none but Black Kettle's band, and, as I have since ascertained, a few lodges of Arapahoes, under Left Hand.

Q. Little Raven's band was not there?

A. No, sir. There was but a small portion of Black Kettle's band there. He was the chief of all the Cheyennes.

Q. There was a particular band that went with him, of which he was the immediate chief, not withstanding he was also the chief of the whole nation?

A. Yes, sir.

Q. Black Kettle had a band which were always with him? A. Yes, sir.

Q. Now, what I want to know is, what other Indians were at Sand creek when you advised Black Kettle and his band to go over there?

A. I think there were only a very few Arapahoes under Left Hand.

Q. Did they have their women and children with them? A. Yes, sir.

Q. Now how long were they at Sand creek before Colonel Chivington came along with his force?

A. I should think abou' twelve days.

Q. Did you receive any communication from those Indians on Sand creek during those twelve days? Did they furnish you with information of any kind?

A. I received some information; I do not know that it came from that band. I had employed at that time, on a salary of $125 a month and a ration, One Eye, who was a chief of the Cheyennes. He was to remain in this Cheyenne camp as a spy, and give me information from time to time of the movements of this particular band, and also to go over to the head of the Smoke Hill to the Sioux and Cheyenne camp there, and notify me whenever any movement was made by those Indians; but he had gone only as far as Sand creek when Colonel Chivington made this attack on the Indians at Sand creek, and he was killed there.

Document No. 25 - (Cont'd)

Q. Then you cannot tell whether you had any communications during those twelve days from the Indians on Sand creek?

A. They would send in to the post frequently. General Curtis had issued an order that no Indian should be permitted to visit the post. I had ordered them away and the guard had fired upon them when they refused to obey that order--fired upon them several times. I told them they could not come in, and that if they had any communication to make with me I would meet them outside of the post and talk with them. They sent to me several times, but they were always begging parties.

Q. Did they give you any information whatever of the movements of any of the hostile Indians?

A. Yes, sir; One Eye did, and I think Jack Smith did. He came in at one time and stated that a party of Indians were going to make an attack on the settlements down in the vicinity of the mouth of Walnut creek. I reported the matter to the district headquarters, stating that there would be an attack made about such a day. The attack was made at about that time, so that the information he gave was correct.

Q. Were the women and children of this band of Black Kettle in camp with him?

A. Yes, sir.

Q. About what number of souls were in that camp when you attacked it?

A. I thought at the time there were a thousand or more; but, from information I have received since, I am satisfied that there were not so many as that; probably in the neighborhood of 700 men, women and children.

Q. Did you send any word to Black Kettle that you intended to attack him or his band at any time?

A. None, whatever. It was a surprise, made without any notice whatever to them.

Q. What number of women and children were killed there?

A. I do not know. I made a report to Colonel Chivington the next day. I made it partly upon information I had received through the men who were with me, and partly from observation. I stated to him that there were 300 Indians killed, including women and children. I have ascertained since that there were not so many killed; at least I am satisfied that there were not over 125 killed. At one time I sent out a scouting party and told them to look over the ground. They came back and reported to me that they had counted 69 dead bodies there. About two-thirds of those were women and children.

Q. Was your command a mounted command? A. Yes, sir.

Q. How did the remainder of the Indians escape? A. On foot.

Q. What kind of country was it? A. Prairie country, slightly rolling; grass very short.

Q. Do you say that Colonel Chivington's command of 700 mounted men allowed 500 of these Indians to escape?

A. Yes, sir; and we ourselves lost 49 in killed and wounded.

Q. Why did you not pursue the flying Indians and kill them?

A. I do not know; that was the fault I found with Colonel Chivington at the time.

Q. Did he call off the troops?

A. No, sir. The Indians took a position in the bed of the creek, which was from 200 to 500 years wide. The banks upon the side of the creek were two or three feet high, in some places as high as ten feet; the bed of the creek was of sand, and perfectly level. The Indian warriors took their position right along the banks, dug holes in the sand in which to secrete themselves, and fired upon our men in that way. We fought them there. While the women and children were escaping, the men stood under the bank and fought us all day.

Q. How many pieces of artillery did you have?

A. We had four pieces.

Q. And the Indians held you in check there for seven hours?

A. I think fully seven hours. I was ordered back eighteen miles on the road before the firing ceased.

Q. Did you capture any prisoners?

A. Before I left I saw two prisoners in the Indian lodges, in their camp, where our men were quartered.

Q. Did you ever see those prisoners after Colonel Chivington returned?
A. Only one of them, Charles Bent.
Q. What became of the other?
A. I only ascertained from common report. I went to Colonel Chivington and told him that Jack Smith was a man he might make very useful to him; that he could be made a good guide or scout for us; "but", said I to him, "unless you give your men to understand that you want the man saved, he is going to be killed. He will be killed before to-morrow morning, unless you give your men to understand that you don't want him killed." Colonel Chivington replied, "I have given my instructions; have told my men not to take any prisoners. I have no further instructions to give." I replied to him that he could make that man very useful, and I thought that perhaps he had better give the men to understand that he did not want him killed. The colonel replied again, "I said at the start that I did not want any prisoners taken, and I have no further instructions to give." I then left him. I learned afterwards that Jack Smith was killed in the camp, in an Indian lodge.
Q. Jack Smith was a half-breed? A. Yes, sir.
Q. And an interpreter? A. I had never met him but once. He spoke English and Indian.
Q. Where was Jack Smith's father at that time?
A. He was in the Indian camp, trading with the Indians by my permission; and at the same time I had sent him there partly as a spy upon the camp. I wanted to know what movements they were goin g to make. When I was about to send him out there he said he wanted to take some goods out there to trade with the Indians, and I gave my permission.
Q. What property was captured there?
A. About 700 horses, I should think; quite a large number of buffalo robes. I do not know how many, though I think I saw 150 buffalo robes. There were a great many lodges, which were all burned. There were a great many blankets; some few bows and arrows, and I saw some few guns. However, outside of horses, the value to the white man of the whole would be very little.

By Mr. Buckalew:

Q. Were there any mules?
A. Yes, sir, there were some mules; I saw a few mules branded "U.S.," that were being driven away.

By Mr. Loan:

Q. What was done with that property?
A. I have never learned since.
Q. Did you have possession or control of any of that property?
A. Colonel Chivington instructed me to order my quartermaster to receive the stock, and feed them full rations of corn and hay while they remained at Fort Lyon. But there were only 407 head received at Fort Lyon, as I afterwards ascertained. As to the balance, I received information that led me to believe that 225 head of the stock was run off into New Mexico by a portion of Colonel Chivington's command; 60 more driven up the river nearly 100 miles, were there met by an officer who was coming down, and he brought them back to Fort Lyon. When Colonel Chivington's command left Fort Lyon he took away all of this stock that was there, and I have never heard of it since.
Q. Who issued the order to your quartermaster directing him to deliver this property to Colonel Chivington?
A. There was no written order. A verbal order was given me by Colonel Chivington, which I turned over to the quartermaster.
Q. To whom was that stock delivered? A. To Colonel Shoup.

Document No. 25 - (Cont'd)

Q. What position did he hold as an accounting officer?

A. There was no quartermaster, I think, that ever had it in charge, with the exception of the acting assistant quartermaster at Fort Lyon, who took it in charge for a few days, by verbal order from Colonel Chivington, and turned it over again in the same manner.

Q. Do you know of any acts of hostility committed by Black Kettle or any of his band that were encamped on Sand creek?

A. I do not, except this: I was out with Major General Blunt in an engagement with the Indians on Pawnee fork. There was one man there at that time whom I afterwards recognized as being of Black Kettle's party, and who fought us at Pawnee fork; that was War Bonnet. He was at Pawnee fork, and was very active there. He apparently had charge of a small band of Indians. It was on the 26th of August that we fought them there.

Q. How long had you been acquainted with War Bonnet?

A. I had met him but twice, with the exception of that fight I had with him on Pawnee fork.

Q. You had met him twice previous to that? A. Since that.

Q. Where did you first meet him after that? A. At Fort Lyon.

Q. Why did you not then arrest him and punish him for fighting at Pawnee fork?

A. I thought if I did so it would enrage the balance of the Indians, who were then encamped at Smoke Hill, and I was trying to keep them quiet until such time as a sufficient number of troops had arrived to enable us to go out and fight the whole party.

Q. If you had reason to think that Black Kettle, or any of his party, intended to fight against the United States, or the whites, state what that reason was.

A. I had no reason to suppose it further than my general knowledge of the Indian character. I have been there for upwards of two years, and during that time it has been the constant complaint of travellers upon the road that the Indians were annoying their trains, even when they did not profess to be at war at all. It had always been a source of constant annoyance to us there. Trains came into the post and complained that the Indians were taking their property from them.

Q. How far from Fort Lyon were Black Kettle and his people encamped when you made the attack?

A. Between 30 and 40 miles.

. . . . . .

By Mr. Loan:

Q. What became of the buffalo robes that were taken there?

A. I do not know. I had some buffalo robes, my own bedding, which went at the same time, and we have never been able to ascertain what became of them. I went to Colonel Chivington and reported to him that John Smith had lost all his buffalo robes I wanted them recovered. He said to me, "You go to John Smith and tell him that he need have no fear at all about the matter; I will give an order confiscating that property for the use of the hospital." I afterwards ascertained that I had lost all my own bedding and buffalo robes, and also provision for ten men for thirty days, that I had taken out there. The colonel said, "Well, we will give you an order confiscating that for the use of the hospital, and you can be reimbursed; you shall not lose a cent." However, the order never was issued, confiscating the property.

Q. Do you know by what authority the 225 head of stock were taken off to New Mexico?

A. I do not. Captain Cook told me he knew how many men there were, and he knew who had them in charge; but he never gave me the names.

This is the way i which we have been situated out here. I have been in command of a body of troops a Fort Larned or Fort Lyon for upwards of two years. About two years ago in September the Indians were professing to be perfectly friendly. These were the Cheyennes, the Camanches, the Apaches, the Arapahoes, the Kiowas,

encamped at different points on the Arkansas river between Fort Larned and Fort Lyon. Trains were going up to Fort Lyon frequently, and scarcely a train came in but had some complaint to make about the Indians. I recollect that one particular day three trains came in to the post and reported to me that the Indians had robbed them of their provisions. We at the post had to issue provisions to them constantly. Trains that were carrying government freight to New Mexico would stop there and get their supplies replenished on account of the Indians having taken theirs on the road.

At one time I took two pieces of artillery and 125 men, and went down to meet the Indians. As soon as I got there they were apparently friendly. A Kiowa chief perhaps would say to me that his men were perfectly friendly, and felt all right towards the whites, but the Arapahoes were very bad Indians. Go to the Arapahoe camp, they would perhaps charge everything upon the Camanches, while the Camanches would charge it upon the Cheyennes; yet each band there was professing friendship towards us.

These troubles have been going on for some time, until the settlers in that part of the country, and all through western Kansas and Colorado do not think they can bear it. When these troubles commenced upwards of a year ago I received information that led me to believe that the Indians were going to make a general war this last spring. I supposed so at the time. They were endeavoring by every means to purchase arms and ammunition. They would offer the best horse they had for a revolver, or a musket, or a little ammunition.

This last spring it seemed to have commenced; I do not know how. I know, however, that at the different posts they were professing friendship. They were encamped in pretty large numbers in the vicinity of the posts, and while their women and children were dancing right alongside the officers' quarters, the Indians secreted themselves in a ravine in the neighborhood of the post, and at a signal jumped out and run off the stock, firing at the guards; at the same time the women and children jumped on their ponies, and away they went. They burned down the bridges, and almost held the post under their control for three or four days. About the same time they commenced depredations on the road. The mails could not pass without a pretty large escort. At least, whenever we sent them without an escort the Indians attacked them, and the people considered it very unsafe to travel the roads.

When the Indians took their prisoners (in fact, however, they generally took no prisoners) near Simmering spring, they killed two men. I was told by Captain Davis, of the California volunteers, that the Indians cut off the heads of the men after they had scalped them, and piled them in a pile on the ground, and danced around them, and kicked their bodies around over the ground, &c. It is the general impression among the people of that country that the only way to fight Indians is to fight them as they fight us; if they scalp and mutilate the bodies we must do the same, kill their women and children and kill them. At the same time, of course, we consider it a barbarous practice.

Q. Did the troops mutilate the Indians killed at Sand creek?

A. They did in some instances that I know of; but I saw nothing to the extent I have since heard stated.

Q. State what you saw.

A. I saw one man dismount from his horse; he was standing by the side of Colonel Chivington. There was a dead squaw there who had apparently been killed some little time before. The man got down off his horse, took hold of the squaw, took out his knife and tried to cut off her scalp. I thought the squaw had been scalped before; a spot on the side of the head had evidently been cut off before with a knife; it might possibly have been done by a grape-shot, or something of that kind. I saw a great many Indians and squaws that had been scalped; I do not know how many, but several. There have been different reports about these matters. I heard a report some twenty days after the fight--I saw a notice in Colonel Chivington's report--that a scalp three days old, a white woman's scalp, was found in the Cheyenne camp. I did not hear anything about that until after Colonel Chivington had reached Denver.

I was with him for ten days after the fight, and never heard a word about a white woman's scalp being found in the camp until afterwards.

On the other hand, on the day I left Fort Lyon to come east, on the 30th of January, I saw an official report from Major Wynkoop, together with affidavits from different men; among them was one man who was my adjutant at the time; he speaks in his affidavit about the bodies of the Indians having been so badly mutilated, their privates cut off, and all that kind of thing. I never saw anything of that; and I never heard it until I saw it in those affidavits at Fort Lyon, two months after the fight. Yet it was a matter of daily conversation between us at the posts. I, however, did myself see some bodies on the ground that were mutilated.

Q. Anything further than you have stated?

A. No, sir. I saw what convinced me that, in attempting to escape with two children, one squaw had been mortally wounded, and had drawn her knife, gathered her two children near her, and cut both of their throats. That was not done by our men. I did not see any one mutilating any Indian, with the exception of the one man I have spoken of, while Colonel Chivington was standing by the side of him.

I saw one instance, however. There was one little child, probably three years old, just big enough to walk through the sand. The Indians had gone ahead, and this little child was behind following after them. The little fellow was perfectly naked travelling on the sand. I saw one man get off his horse, at a distance of about seventy-five yards, and draw up his rifle and fire--he missed the child. Another man came up and said, "Let me try the son of a bitch; I can hit him." He got down off his horse, kneeled down and fired at the little child, but he missed him. A third man came up and made a similar remark, and fired, and the little fellow dropped....

By Mr. Gooch:

Q. Did you communicate to Colonel Chivington, when he came to Fort Lyon, the relations you had had with those Indians?

A. Yes, sir.

Q. Did you, under the circumstances, approve of this attack upon those Indians?

A. I did not.

Q. Did you not feel that you were bound in good faith not to attack those Indians after they had surrendered to you, and after they had taken up a position which you yourself had indicated?

A. I did not consider that they had surrendered to me; I never would consent that they should surrender to me. My instructions were such that I felt in duty bound to fight them wherever I found them; provided I considered it good policy to do so. I did not consider it good policy to attack this party of Indians on Sand creek unless I was strong enough to go on and fight the main band at the Smoke Hills, some seventy miles further. If I had had that force I should have gone out and fought this band on Sand creek.

Q. The Arapahoes had surrendered to you?

A. I considered them differently from the Cheyennes.

Q. They were with the Cheyennes, or a part of them were?

A. I understood afterwards that some six or eight or ten lodges of the Arapahoes were there.

Q. Did you not know at the time you made this attack that those Arapahoes were there with the Cheyennes?

A. I did not. A part of the Cheyennes had left; a part of them said they did not believe we at the post felt friendly towards them; and I have since learned that a part of them had left.

Q. These very Indians had come in and held communication with you, and had taken up the position you had directed them to take?

A. No, sir; I told them they should not remain on the road, but they might go back on Sand creek, or some place where they could kill game.

Q. You advised them to go there? A. Yes, sir.

Q. Did you not suppose that they understood from you that if they went there and behaved themselves they would not be attacked by you?

A. I do not think they thought so. I think they were afraid I was going to attack them. I judge so from words that came to me like this: "That they did not like that red-eyed chief; that they believed he wanted to fight them."

Q. You say you did not approve of the attack upon them by Colonel Chivington. Did you remonstrate with Colonel Chivington against making that attack?

A. I did.

Q. You felt that you ought not to make the attack under the circumstances?

A. I did. I made a great many harsh remarks in regard to it. At the same time I did not so much object to the killing of the Indians, as a matter of principle--merely as a matter of policy. I considered it a very bad policy, as it would open up the war in that whole country again, which was quiet for the time. I am very well satisfied the Indians intended a general outbreak as soon as the weather would permit.

Q. You think the attack made upon those Indians there, in addition to the other characteristics which it possesses, was impolitic?

A. I do, very much so. I think it was the occasion of what has occurred on the Platte since that time. I have so stated in my report to the headquarters of the district and the department. I stated before Colonel Chivington arrived there that the Indians were encamped at this point; that I had a force with me sufficiently strong to go out and fight them; but I did not think it policy to do so, for I was not strong enough to fight the main band. If I fought this band, the main band would immediately strike the settlements. But so soon as the party should be strong enough to fight the main band, I should be in favor of making the war general against the Indians. I stated to them also that I did not believe we could fight one band without fighting them all; that in case we fought one party of Indians and whipped them, those that escaped would go into another band that was apparently friendly, and that band would secrete those who had been committing depredations before. As it was with Little Raven's band; his own sons attacked a train a short distance above Fort Lyon, killed one soldier, took a government wagon and mules, some horses, and took some women prisoners. One woman they afterwards outraged, and she hung herself; the other one, I think, they still hold. Some of the Indians have married her, as they call it, and she is still held in their camp, as I have understood; not now in the camp of those who took her prisoner, but she has been sold to the Sioux and Cheyennes. The instructions we constantly received from the headquarters, both of the district and the department, were that we should show as little mercy to the Indians as possible.

By Mr. Loan:

Q. Could you furnish us copies of thos instructions?

A. I have in the city some private letters, and I think I have also some confidential communications, that go to show something of that nature.

Q. I should be glad to have copies of some of them.

A. I think I have some of them. I have copies of some letters I wrote to department and district headquarters. My reports were always approved; they sent back word every time that my reports were approved. I stated that I would hold on to those Indians; let them remain dormant until such time as troops enough arrived to fight the main band. They always approved my action in the matter. When Colonel Chivington arrived there with his command, I immediately reported to headquarters that he had arrived.

Q. Who was the district commander? A. Major Henning.

Q. How did a major command a colonel?

A. Colonel Chivington was in entirely another district. The district I was in was in upper Arkansas, and was commanded by Major Henning. Colonel Chivington commanded the district of Colorado.

Q. Then Fort Lyon was not in Colonel Chivington's district?
A. No, sir.
Q. By what authority did you act in concert with Colonel Chivington?
A. By the authority of the instructions I had received from my own district commander, that I should fight the Indians wherever I met them. When Colonel Chivington came down I talked with him; he told me where he was going, and asked me if I wanted to go with him. I told him if he was going to make a general war with the Indians I did. He gave me to understand that he was going to make it general.
Q. Can you furnish us a copy of those instructions that authorized you to go under Colonel Chivington when he was out of his district?
A. I had no instructions to go under him at all. I have, however, some papers to show the feeling in regard to the district. I told Colonel Chivington, several times on that march to Sand creek, that One Eye was there, employed by me; that Black Kettle was there; that, probably, John Smith was there by my permission; that there was a soldier there with Smith whom I had sent off as a sort of spy, too; and that I wanted, if he did fight those Indians, by all means to save those parties; that if he did fight them he should give notice beforehand in order to get them out. I advised him to surround the camp, and not let one escape, and then push right forward and fight the main band; that he was strong enough for them. I believed at the time that if we should attack the main band, it would put an end to all our Indian troubles there. And I supposed he was going to do it; that was the understanding at the time we left Fort Lyon. I took twenty-three days' rations for my men, with the understanding that we were to be gone at least that length of time.

Document No. 26

Excerpts from the testimony of Major S. G. Colley before the Committee on the Conduct of the War[1]

Washington, March 14, 1865

Major S. G. Colley sworn and examined.

By Mr. Loan:

Q. Where do you reside? A. At Fort Lyon.
Q. Do you hold any official position, civil or military?
A. I am an Indian agent....
Q. How long have you been agent for those Indians?
A. My appointment was in July, 1861....
Q. What has been the general character of Black Kettle's and Left Hand's bands for peace and good conduct towards the whites? Have they been guilty of any acts of hostility, theft, or anything of the kind?
A. . . . . .
In June last I received a circular from Governor Evans, requesting me to invite any of the Indians that had not been at war with the whites to Fort Lyon; the Cheyennes and Arapahoes of the North Platte to Fort Collins; the Cheyennes and Arapahoes of the Arkansas at Fort Lyon; the Kiowas and Camanches at Larned, and tell them if they would come in and behave themselves, they should be fed and cared for. I immediately sent Mr. Smith, Jack Smith, who was killed, and Colonel Bent, to all these Indians to carry them this information. During this time occurred this

[1] Ibid., pp. 29-32

trouble at Fort Larned, by the Kiowas running off the stock. Orders were then issued that no Indians should come to that post, as I understood it. After One Eye had come back and said he had seen Black Kettle, who said he would bring in his Indians, I sent him out again to see what was going on.

During this time orders were issued, I understood from General Curtis, that no Indians should visit a military post; but it was a long while before One Eye got in; he did not get in until the 4th day of September, and he got in then by accident. If he had been met by a soldier he would have been shot; but he happened to meet some other soldiers, who took him prisoner and brought him in then. Major Wynkoop took him and kept him in the guard-house that day.

He told us that there were some white prisoners with the Cheyennes whom they had brought, and whom they were willing to deliver up, if we would go out for them. Major Wynkoop went out with one hundred men, had a conversation with the Indians, and brought in four prisoners, one girl and three children.

Black Kettle and his principal men, some twenty or thirty of them, came in with Major Wynkoop, and went to Denver and had a conference with Governor Evans. The governor declined to make any peace with them, but turned them over to the military. Black Kettle went out and brought in quite a number of lodges, and the young men came in to the post.

Before this time, General Curtis, through representatives from some quarter, was apparently led to believe that the Indians were behaving very badly at Fort Lyon; and Major Wynkoop was relieved of his command by Major Anthony. At that time the Arapahoes were there, being fed by Major Wynkoop. When Major Anthony came, he said he was ordered to fight those Indians; but he found things different from what he expected, and he did not think it policy then to fight them; that there was no danger from those Indians; they could be kept there, and killed at any time it was necessary. He told them that he did not feel authorized to give them any rations, and that they better go out a piece where they could kill buffalo.

After Major Wynkoop had brought those Indians in, and until after this fight, I do not know of any depredations having been committed in our country. There may have been some committed below in the vicinity of Fort Larned; but during that time, two months or over, the Indians in our country did not commit any depredations.

. . . . . .

Q. Judging from all your information as Indian agent, have you any reason to believe that Black Kettle or Left Hand had been guilty of or intended any hostility towards us?

A. I have no reason to believe that of either of them.

Q. Have you any reason to know that they desired to remain at peace, and were opposed to fighting the people of the United States?

A. Left Hand, who speaks English, told me that he never would fight the whites. He said that some of his boys got mad after he was fired at at Fort Larned. Left Hand had come in there and offered to assist in the recovery of some stock that had been stampeded there. He was fired on by the soldiers at Fort Larned. He said, "I was not much mad; but my boys were mad, and I could not control them. But as for me, I will not fight the whites, and you cannot make me do it. You may imprison me or kill me; but I will not fight the whites."

Q. What was the feeling of Black Kettle?

A. He himself always appeared to be friendly.

Q. Did you ever know of his committing any act of hostility towards the whites, or sanctioning it in others?

A. I never did.

Q. What relation did he bear to the Cheyenne tribe of Indians?

A. He was acknowledged as the head chief of the southern bands of Cheyennes. There were subordinate chiefs who were heads of bands.

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Excerpts from the testimony of Governor John Evans before the Joint Committee on the Conduct of the War [1]

Washington, March 15, 1865

Governor John Evans sworn and examined.

By Mr. Loan:

. . . . . .

Q. What I want to know is whether you have information that Black Kettle, or any of the band that travel with him, had been north of Denver last summer. Did Black Kettle tell you that either he himself, or any of the band under his immediate control, had been there?

A. I inferred they had from his saying that the Cheyennes had committed those depredations. As a matter of course I told him they had committed them, because they had some white prisoners who had been captured there, and whom they claimed as theirs. He did not answer to that proposition. He said the Cheyennes committed the depredations east of Kearney. He did not say directly that they had been on the Blue. They gave up to Major Wynkoop the prisoners that were captured on the Little Blue, and then he said that the Cheyennes committed the depredations.

Q. Did Black Kettle say that his band had done it?

A. He did not say which band of Cheyennes. I inferred that they were his band because they did not speak of any other bands. These Cheyennes that range on the head of the Smoke Hill and Republican seem all to band together.

. . . . . .

Q. State the circumstances under which that conversation arose.

A. Black Kettle, White Antelope, and Bull Bear, of the Cheyennes; Nevy and two or three others of the Arapahoes. They were brought to Denver for the purpose of council by Major Wynkoop, after he had been out to their camp, brought there for the purpose of making a treaty of peace.

. . . . . .

Q. When you saw the Indians, what occurred?

A. The Indians made their statement, that they had come in through great fear and tribulation to see me, and proposed that I should make peace with them; or they said to me that they desired me to make peace. To which I replied that I was not the proper authority, as they were at war and had been fighting, and had made an alliance with the Sioux, Kiowas, and Comanches to go to war; that they should make their terms of peace with the military authorities. I also told them that they should make such arrangements, or I advised them to make such arrangements as they could, and submit to whatever terms were imposed by the military authorities as their best course.

Q. What reply did they make to that?

A. They proposed that that would be satisfactory, and that they would make terms of peace. The next day I got a despatch from Major General Curtis, commanding the department, approving my course, although he did not know what it was. But the despatch contained an order that no peace should be made with the Indians without his assent and authority; dictating some terms for them to be governed by in making the peace.

. . . . . .

Q. Did these Indians propose to do anything that you, as their superintendent, directed them to do in this matter, for the purpose of keeping peace?

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[1] Ibid., pp. 32-43

A. They did not suggest about keeping peace; they proposed to make peace. They acknowledged that they were at war, and had been at war during the spring. They expressed themselves as satisfied with the references I gave them to the military authorities; and they went back, as I understood, with the expectation of making peace with "the soldiers," as they termed them--with the military authorities.

Q. Why did you permit those Indians to go back, under the circumstances, when you knew they were at war with the whites?

A. Because they were under the control and authority of the military, over which I, as superintendent of Indian affairs, had no control.

Q. Did you make application to the district commander there to detain those Indians?

A. No, sir.

Q. Why did you not do it? A. Because the military commander was at the council.

Q. What was his name? A. Colonel Chivington. I told the Indians he was present and could speak in reference to those matters we had been speaking about.

Q. Were any orders given to Major Wynkoop, either by yourself or by Colonel Chivington, in regard to his action towards those Indians?

A. I gave no orders, because I had no authority to give any.

Q. Did Colonel Chivington give any?

A. He made these remarks in the presence of the council: that he was commander of the district; that his rule of fighting white men and Indians was to fight them until they laid down their arms; if they were ready to do that, then Major Wynkoop was nearer to them than he was, and they could go to him.

Q. Do you know whether he issued any orders to Major Wynkoop to govern his conduct in the matter?

A. I do not. Major Wynkoop was not under his command, however. I understood that Fort Lyon was not in the command that Colonel Chivington was exercising at the time. It was a separate command, under General Blunt, of the military district of the Arkansas, as I understood it.

Q. Were the Indian chiefs sent back to their homes in pursuance of any orders given to Major Wynkoop, that you know of?

A. No, sir. I will say further, in regard to my course, that it was reported to the Indian bureau, and approved by the Indian bureau as proper, not to interfere with the military, which will appear in my annual report. I have no official knowledge of what transpired after this council, so far as these Indians are concerned, except that I notified the agent that they were under the military authority, and I supposed they would be treated as prisoners.

. . . . . .

Q. Do you know anything further than you have stated in connexion with this attack upon Black Kettle and his band on Sand creek? Did you issue any orders, or take any part in any transaction having in view any such attack?

A. I did not know anything about it....

. . . . . .

By Mr. Gooch:

Q. With all the knowledge you have in relation to these attacks and depredations by the Indians, do you think they afford any justification for the attack made by Colonel Chivington on these friendly Indians, under the circumstances under which it was made?

A. As a matter of course, no one could justify an attack on Indians while under the protection of the flag. If those Indians were there under the protection of the flag, it would be a question that would be scarcely worth asking, because nobody could say anything in favor of the attack. I have heard, however--that is only a report--that there was a statement on the part of Colonel Chivington and his friends that these Indians had assumed a hostile attitude before he attacked them. I do not

know whether that is so or not. I have said all I have had to do with them. I supposed they were being treated as prisoners of war in some way or other.

I had a letter from General Curtis, after I got here, saying he was troubled to know what to do with so many nominal prisoners of war, as they were so expensive to feed there. The subsistence of the fort was short, and it was a long way to get subsistence, and through a hostile country, and he was troubled to know what to do with them.

Q. But from all the circumstances which you know, all the facts in relation to that matter, do you deem that Colonel Chivington had any justification for that attack?

A. So far as giving an opinion is concerned, I would say this: That the reports that have been made here, a great many of them, have come through persons whom I know to be personal enemies of Colonel Chivington for a long time. And I would rather not give an opinion on the subject until I have heard the other side of the question, which I have not heard yet.

Q. I do not ask for an opinion. Do you know of any circumstance which would justify that attack?

A. I do not know of any circumstance connected with it subsequent to the time those Indians left me and I started for another part of the country. It is proper for me to say, that these attacks during the summer, and up to the time I came away, were of very frequent occurrence. The destruction of property was very great. Our people suffered wonderfully, especially in their property, and in their loss of life. They murdered a family some twenty-odd miles east of Denver. The attacks by hostile Indians, about the time I came away, were very numerous along the Platte.

. . . . . .

Document No. 28

Excerpts from the testimony of Mr. A. C. Hunt before the Joint Committee on the Conduct of the War[1]

Washington, March 15, 1865

Mr. A. C. Hunt sworn and examined.

By Mr. Loan:

. . . . . .

Q. Where do you reside? A. I reside at Denver, Colorado.

Q. What is your official position?

A. I am United States marshal for the district of Colorado. I have been in Denver since 1859.

Q. Do you know anything in connexion with the killing of the Indians at Sand creek, about the last of November, 1864?

A. I do not suppose I know anything that would be admissible as evidence. All I know is from general rumor, not being on the ground at all. I was in Denver when the regiment returned.

Q. Did you hear anything about it from Colonel Chivington, or any one of his command?

A. I heard an immense sight from soldiers in his command.

Q. State what they told you.

A. I also talked a long time with the guide, James Beckwith, after they returned.

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[1] Ibid., pp. 43-46

Q. State anything that was said by any one connected with that transaction in regard to what was done.

A. I talked longer with Melrose, a private in Captain Baxtor's company, under Colonel Shoup. He gave me quite a history of the fight, and everything pertaining to it. He enlisted from the Arkansas. There is a general disposition, on the part of those who enlisted from that neighborhood, to cry down the whole transaction as being very badly managed, and very murderous. They made no secret of telling what had been done, but made no boast of it at all. They said they were heartily ashamed of it.

Q. State what they said was done.

A. According to their understanding, when they started out, they were enlisted for the prupose of fighting hostile Indians, there being any quantity of them on the plains. They knew nothing of their whereabouts. They went under the orders of Colonel Chivington, who led the command. They came within 80 miles of Fort Lyon, where they were halted for some days, and all communication stopped. No person, not even the United States mail, was permitted to go down the road for quite a length of time, until the forces which had been straggling back had all been collected together. When they did march to Fort Lyon they went very rapidly, taking every person about the fort by surprise, no person anticipating their coming at all. Their first movement was to throw a guard around the fort. That surprised the soldiers very much; they said they did not know the object of it. That night they were ordered to march again in a northeast direction. I think that and perhaps the next night they marched some 35 miles to fall upon this camp of Indians on Sand creek. None of the soldiers were posted as to what Indians they were fighting, or anything about it, until they got an explanation, after the attack was made, from various white men in the camp. Those white men told the soldiers that they were Black Kettle's band, who had been there for some time; a part of the time had been drawing rations from the fort--were, to all intents and purposes, friendly Indians. Beyond that I know that the colonel, as soon as the fight was over, came back to Denver. I met him the day he came in. The command afterwards returned in marching time. They had evidences of what they had been doing--among the rest, White Antelope's medal; I think they had about 20 of Black Kettle's scalps--quite that many, I think, were exhibited; they had White Antelope's commission, or something like that, from Commissioner Dole--something like a recommend; they had a thousand and one trophies in the way of finely worked buffalo robes, spurs, and bits, and things of that kind; all of which, I suppose, was contraband of war--they were taken on the field of battle.

Q. Did they say anything about how the attack was made, at what time, and under what circumstances?

A. I understood them to say it was made just at daylight. The Indians that were not armed almost all fled and escaped. The impression of the men I talked with was that they had killed over 100 of them; the impression of some others was that they had killed 400 or 500.

Q. Was anything said about killing women and children?

A. Yes, sir; they killed everything alive in the camp that they could get at. I believe that was part of the understanding, that none should be spared. I believe it is generally the understanding that you fight Indians in that way.

Q. What were those ornamented buffalo robes worth in the market?

A. They are very valuable--worth from $20 to $50 each.

Q. In whose possession did you see them?

A. They were mostly in private hands--in the hands of the men who were in the fight; by permission, I suppose. I do not suppose there was any demand made for them by any person. I suppose each man who had one of them thought he was entitled to it.

. . . . . .

Q. Did they have no horses, ponies, and mules?

A. Yes, sir; I saw a great many ponies. A New Mexican company was mostly mounted on ponies that they had captured. I saw them come in on Indian horses; they were poor, thin horses.

Q. Did Colonel Chivington assign any reason why, under the circumstances, he attacked that bank of Indians?

A. He said all the time that they were hostile Indians, and was very wroth with any of the community who knew anything about the Indians, who had been in the country a long while, who knew something about Black Kettle and White Antelope, and who denominated them friendly Indians, and who differed with him as to the policy of bringing those Indians down upon us at that time. He was very wroth with me particularly, and one or two others; and I suppose that was what brought forth the remarks that he made.

. . . . . .

Q. Is there a general feeling among the whites there in favor of the extermination of the Indians?

A. That feeling prevails in all new countries where the Indians have committed any depredations. And most especially will people fly off the handle in that way when you exhibit the corpse of some one who had been murdered by the Indians. When they come to their sober senses they reflect that the Indians have feelings as well as we have, and are entitled to certain rights; which, by the by, they never get.

Q. Had there been any such acts committed by the Indians at that time?

A. No, sir; not for months. But last summer there were exhibitions that were horrid to tell, and there were terrible imprudences in consequence. Persons killed thirty or forty miles off were brought into Denver and exhibited there.

Q. There had been nothing of that kind for some time previous to this attack by Colonel Chivington?

A. No, sir.

Q. Do you know of any motive which actuated Colonel Chivington in making this attack?

A. I think it was hope of promotion. He had read of Kit Carson, General Harney, and others, who had become noted for their Indian fighting. I have no objection to state that.

. . . . . .

Document No. 29

Excerpts from the official military report of Colonel Chivington concerning the Sand Creek Battle [1]

Headquarters District of Colorado
Denver, C. T., December 16, 1864

GENERAL: I have the honor to transmit the following report of operations of the Indian expedition under my command, of which brief notice was given you by my telegram of November 29, 1864:

Having ascertained that the hostile Indians had proceeded south from the Platte, and were almost within striking distance of Fort Lyon, I ordered Colonel Geo. L. Shoup, 3d regiment Colorado volunteer cavalry, (100-day service,) to proceed with the mounted men of his regiment in that direction.

On the 20th of November I left Denver and Booneville, C. T.; on the 24th of November joined and took command in person of the expedition which had been increased by a battalion of the 1st cavalry of Colorado, consisting of detachments of companies C, E, and H. I proceeded with the utmost caution down the Arkansas river, and on the morning of the 28th instant arrived at Fort Lyon, to the surprise of the garrison of that post. On the same morning I resumed my march, being joined by Major Scott J. Anthony, 1st cavalry of Colorado, with one hundred and twenty-five men of said regiment, consisting of detachments of companies D G and H, with two howitzers.

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1 "Massacre of the Cheyenne Indians", Report of the Joint Committee, pp. 48-50

The command then proceeded in a northeasterly direction, travelling all night, and at daylight of the 29th November striking Sand creek about forty (40) miles from Fort Lyon.

Here was discovered an Indian village of one hundred and thirty (130) lodges, composed of Black Kettle's band of Cheyennes and eight (8) lodges of Arapahoes, with Left Hand. My line of battle was formed with Lieutenant Wilson's battalion of the 1st regiment, numbering about 125 men, on the right, Colonel Shoup's 3d regiment, numbering about 450 men, in the centre, and Major Anthony's battalion, numbering 125 men, 1st regiment, on the left.

The attack was immediately made upon the Indian's camp by Lieutenant Wilson, who dashed forward, cutting the enemy off from their herd, and driving them out of their camp, which was subsequently destroyed.

The Indians, numbering from 900 to 1,000, though taken by surprise, speedily rallied and formed a line of battle across the creek, about three-fourths of a mile above the village, stubbornly contesting every inch of ground.

The commands of Colonel Shoup and Major Anthony pressed rapidly forward and attacked the enemy sharply, and the engagement became general, we constantly driving the Indians, who fell back from one position to another for five miles, and finally abandoned resistance and dispersed in all directions and were pursued by my troops until nightfall.

It may, perhaps, be unnecessary for me to state that I captured no prisoners. Between five and six hundred Indians were left dead upon the field. About five hundred and fifty ponies, mules and horses were captured, and all their lodges were destroyed, the contents of which has served to supply the command with an abundance of trophies, comprising the paraphernalia of Indian warfare and life. My loss was eight (8) killed on the field and forty (40) wounded, of which two have since died.

. . . . . .

Night coming on, the pursuit of the flying Indians was of necessity abandoned, and my command encamped within sight of the field.

On the 1st instant, having sent the wounded and dead to Fort Lyon, the first to be cared for, and the latter to be buried upon our own soil. I resumed the pursuit in the direction of Camp Wynkoop on the Arkansas river, marching all night of the 3d and 4th instant, in hopes of overtaking a large encampment of Arapahoes and Cheyennes, under Little Raven, but the enemy had been apprized of my advance, and on the morning of the 5th instant, at 3 o'clock, precipitately broke camp and fled. My stock was exhausted. For one hundred miles the snow had been two feet deep, and for the previous fifteen days--excepting on November 29 and 30--the marches had been forced and incessant.

Under these circumstances, and the fact of the time of the 3d regiment being nearly out, I determined for the present to relinquish the pursuit.

Of the effect of the punishment sustained by the Indians you will be the judge. Their chiefs Black Kettle, White Antelope, One Eye, Knock Knee, and Little Robe, were numbered with the killed and their bands almost annihilated. I was shown the scalp of a white man, found in one of the lodges, which could not have been taken more than two or three days previous....

If all the companies of the 1st cavalry of Colorado and the 11th Ohio volunteer cavalry, stationed at camps and posts near here, were ordered to report to me, I could organize a campaign, which, in my judgment, would effectually rid the country between the Platte and Arkansas rivers of these red rebels.

. . . . . .

I am, general, very respectfully, your obedient servant,

J. M. CHIVINGTON,

Col. 1st Cavalry of Colorado, Commanding District of Colorado.

Excerpts from the testimony of Colonel J. M. Chivington [1]

Interrogatories propounded to John M. Chivington by the Joint Committee on the Conduct of the War, and answers thereto given by said Chivington reduced to writing, and subscribed and sworn to before Alexander W. Atkins, notary public, at Denver, in the Territory of Colorado.

1st question. What is your place of residence, your age and profession?

Answer. My place of residence is Denver, Colorado; my age, forty-five years; I have been colonel of 1st Colorado cavalry, and was mustered out of the service on or about the eighth day of January last, and have not been engaged in any business since that time.

2d question. Were you in November, 1864, in any employment, civil or military, under the authority of the United States; and if so, what was that employment, and what position did you hold?

Answer. In November, 1864, I was colonel of 1st Colorado cavalry, and in command of the district of Colorado.

3d question. Did you, as colonel in command of Colorado troops, about the 29th of November, 1864, make an attack on an Indian village or camp at a place known as Sand creek? If so, state particularly the number of men under your command; how armed and equipped; whether mounted or not; and if you had any artillery, state the number of guns, and the batteries to which they belonged.

Answer. On the 29th day of November, 1864, the troops under my command attacked a camp of Cheyenne and Arapaho Indians at a place known as Big Bend of Sandy, about forty miles north of Fort Lyon, Colorado Territory. There were in my command at that time about (500) five hundred men of the 3d regiment Colorado cavalry, under the immediate command of Colonel George L. Shoup, of said 3d regiment, and about (250) two hundred and fifty men of the 1st Colorado cavalry; Major Scott J. Anthony commanded one battalion of said 1st regiment, and Lieutenant Luther Wilson commanded another battalion of said 1st regiment. The 3d regiment was armed with rifled muskets, and Star's and Sharp's carbines. A few of the men of that regiment had revolvers. The men of the 1st regiment were armed with Star's and Sharp's carbines and revolvers. The men of the 3d regiment were poorly equipped; the supply of blankets, boots, hats, and caps was deficient. The men of the 1st regiment were well equipped; all these troops were mounted. I had four 12-pound mountain howitzers manned by detachments from cavalry companies; they did not belong to any battery company.

4th question. State as nearly as you can the number of Indians that were in the village or camp at the time the attack was made; how many of them were warriors; how many of them were old men, how many of them were women, and how many of them were children?

Answer. From the best and most reliable information I could obtain, there were in the Indian camp, at the time of the attack, about eleven (11) or twelve (12) hundred Indians; of these about seven hundred were warriors, and the remainder were women and children. I am not aware that there were any old men among them. There was an unusual number of males among them, for the reason that the war chiefs of both nations were assembled there evidently for some special purpose.

5th question. At what time of the day or night was the attack made? Was it a surprise to the Indians? What preparation, if any, had they made for the deffence or offence?

Answer. The attack was made about sunrise. In my opinion the Indians were surprised; they began, as soon as the attack was made, to oppose my troops, however, and were soon fighting desperately. Many of the Indians were armed with rifles and many with revolvers; I think all had bows and arrows. They had excavated trenches

[1] Ibid., pp. 101-08

under the bank of Sand creek, which in the vicinity of the Indian camp is high, and in many places precipitous. These trenches were two to three feet deep, and, in connexion with the banks, were evidently designed to protect the occupants from the fire of an enemy. They were found at various points extending along the banks of the creek for several miles from the camp; there were marks of the pick and shovel used in excavating them; and the fact that snow was seen in the bottoms of some of the trenches, while all snow had disappeared from the surface of the country generally, sufficiently proved that they had been constructed some time previously. The Indians took shelter in these trenches as soon as the attack was made, and from thence resisted the advance of my troops.

6th question. What number did you lose in killed, what number in wounded and what number in missing?

Answer. There were seven men killed, forty-seven wounded, and one was missing.

7th question. What number of Indians were killed; and what number of the killed were women, and what number were children?

Answer. From the best information I could obtain, I judge there were five hundred or six hundred Indians killed; I cannot state positively the number killed, nor can I state positively the number of women and children killed. Officers who passed over the field, by my orders, after the battle, for the purpose of ascertaining the number of Indians killed, report that they saw but few women or children dead, no more than would certainly fall in an attack upon a camp in which they were. I myself passed over some portions of the field after the fight, and I saw but one woman who had been killed, and one who had hanged herself; I saw no dead children. From all I could learn, I arrived at the conclusion that but few women or children had been slain. I am of the opinion that when the attack was made on the Indian camp the greater number of squaws and children made their escape, while the warriors remained to fight my troops.

8th question. State, as nearly as you can, the number of Indians that were wounded, giving the number of women and the number of children among the wounded.

Answer. I do not know that any Indians were wounded that were not killed; if there were any wounded, I do not think they could have been made prisoners without endangering the lives of soldiers; Indians usually fight as long as they have strength to resist. Eight Indians fell into the hands of the troops alive, to my knowledge; these, with one exception, were sent to Fort Lyon and properly cared for.

9th question. What property was captured by the forces under your command? State the number of horses, mules and poneys, buffalo robes, blankets, and also all other property taken, specifying particularly the kinds, quality, and value thereof.

Answer. There were horses, mules, and poneys captured to the number of about six hundred. There were about one hundred buffalo robes taken. Some of this stock had been stolen by the Indians from the government during last spring, summer and fall, and some of the stock was the property of private citizens from whom they had been stolen during the same period. The horses that belonged to the government were returned to the officers responsible for them; as nearly as could be learned, the horses and mules that were owned by private citizens were returned to them on proof of ownership being furnished; such were my orders at least. The poneys, horses, and mules for which no owner could be found, were put into the hands of my provost marshal in the field, Captain J. J. Johnson, of company E. 3d Colorado cavalry, with instructions to drive them to Denver and turn them over to the acting quartermaster as captured stock, taking his receipt therefor. After I arrived in Denver I again directed Captain Johnson to turn these animals over to Captain Gorton, assistant quartermaster, as captured stock, which I presume he did. Colonel Thos. Moonlight relieved me of the command of the district soon after I arrived in Denver, that is to say, on the _____ day of _____, A.D. 186__, and I was mustered out of the service, the term of service of my regiment having expired. My troops were not fully supplied with hospital equipage, having been on forced marches. The weather was exceedingly cold, and additional covering for the wounded became necessary; I

ordered the buffalo robes to be used for that purpose. I know of no other property of value being captured. It is alleged that groceries were taken from John Smith, United States Indian interpreter for Upper Arkansas agency, who was in the Indian camp at the time of the attack, trading goods, powder, lead, caps, &c., to the Indians. Smith told me that these groceries belonged to Samuel G. Colby, United States Indian agent. I am not aware that these things were taken; I am aware that Smith and D. D. Colby, son of the Indian Agent, have each presented claims against the government for these articles. The buffalo robes mentioned above were also claimed by Samuel G. Colby, D. D. Colby and John Smith. One bale of buffalo robes was marked S. S. Soule, 1st Colorado cavalry, and I am informed that one bale was marked Anthony, Major Anthony being in command of Fort Lyon at that time. I cannot say what has been done with the property since I was relieved of the command and mustered out of service. There was a large quantity of Indian trinkets taken at the Indian camp which were of no value. The soldiers retained a few of these as trophies; the remainder with the Indian lodges were destroyed.

10th question. What reason had you for making the attack? What reasons, if any, had you to believe that Black Kettle or any other Indian or Indians in the camp entertained feelings of hostility towards the whites? Give in detail the names of all Indians so believed to be hostile, with the dates and places of their hostile acts, so far as you may be able to do so.

Answer. My reason for making the attack on the Indian camp was, that I believed the Indians in the camp were hostile to the whites. That they were of the same tribes with those who had murdered many persons and destroyed much valuable property on the Platte and Arkansas rivers during the previous spring, summer and fall was beyond a doubt. When a tribe of Indians is at war with the whites it is impossible to determine what party or band of the tribe or the name of the Indian or Indians belonging to the tribe so at war are guilty of the acts of hostility. The most that can be ascertained is that Indians of the tribe have performed the acts. During the spring, summer and fall of the year 1864, the Arapaho and Cheyenne Indians, in some instances assisted or led on by Sioux, Kiowas, Comanches and Apaches, had committed many acts of hostility in the country lying between the Little Blue and the Rocky mountains and the Platte and Arkansas rivers. They had murdered many of the whites and taken others prisoners, and had destroyed valuable property, probably amounting to $200,000 or $300,000. Their rendezvous was on the headwaters of the Republican, probably one hundred miles from where the Indian camp was located. I had every reason to believe that these Indians were either directly or indirectly concerned in the outrages which had been committed upon the whites. I had no means of ascertaining what were the names of the Indians who had committed these outrages other than the declarations of the Indians themselves; and the character of Indians in the western country for truth and veracity, like their respect for the chastity of women who may become prisoners in their hands, is not of that order which is calculated to inspire confidence in what they may say. In this view I was supported by Major Anthony, 1st Colorado cavalry, commanding at Fort Lyon, and Samuel G. Colby, United States Indian agent, who, as they had been in communication with these Indians, were more competent to judge of their disposition towards the whites than myself. Previous to the battle they expressed to me the opinion that the Indians should be punished. We found in the camp the scalps of nineteen (19) white persons. One of the surgeons informed me that one of these scalps had been taken from the victim's head not more than four days previously. I can furnish a child captured at the camp ornamented with six white women's scalps; these scalps must have been taken by these Indians or furnished to them for their gratification and amusement by some of their brethren, who, like themselves, were in amity with the whites.

11th question. Had you any, and if so, what reason, to believe that Black Kettle and the Indians with him, at the time of your attack, were at peace with the whites, and desired to remain at peace with them?

Answer. I had no reason to believe that Black Kettle and the Indians with him were in good faith at peace with the whites. The day before the attack Major Scott 140

J. Anthony, 1st Colorado cavalry, then in command at Fort Lyon, told me that these Indians were hostile; that he had ordered his sentinels to fire on them if they attempted to come into the post, and that the sentinels had fired on them; that he was apprehensive of an attack from these Indians, and had taken every precaution to prevent a surprise. Major Samuel G. Colley, United States Indian agent for these Indians, told me on the same day that he had done everything in his power to make them behave themselves, and that for the last six months he could do nothing with them; that nothing but a sound whipping would bring a lasting peace with them. These statements were made to me in the presence of the officers of my staff whose statements can be obtained to corroborate the foregoing.

12th question. Had you reason to know or believe that these Indians had sent their chief and leading men at any time to Denver city, in order to take measure in connection with the superintendent of Indian affairs there, or with any other person having authority, to secure friendly relations with the whites?

Answer. I was present at an interview between Governor Evans on the part of the whites, and Black Kettle and six other Indians, at Camp Weldmar, Denver, about the 27th of September, 1864, in which the Indians desired peace, but did not propose terms. General Curtis, by telegraph to me, declined to make peace with them, and said that there could be no peace without his consent. Governor Evans declined to treat with them, and as General Curtis was then in command of the department, and, of course, I could not disobey his instructions. General Curtis's terms of peace were to require all bad Indians to be given up, all stock stolen by the Indians to be delivered up, and hostages given by the Indians for their good conduct. The Indians never complied with these terms.

13th question. Were those Indians, to your knowledge, referred by the superintendent of Indian affairs to the military authorities, as the only power under the government to afford them protection?

Answer. Governor Evans, in the conference mentioned in my last answer, did not refer the Indians to the military authorities for protection, but for terms of peace. He told the Indians "that he was the peace chief, that they had gone to war, and, therefore, must deal with the war chiefs." It was at this time I gave them the terms of General Curtis, and they said they had not received power to make peace on such terms, that they would report to their young men and see what they would say to it; they would like to do it, but if their young men continued the war they would have to go with them. They said there were three or four small war parties of their young men out on the war path against the whites at that time. This ended the talk.

14th question. Did the officer in command of Fort Lyon, to your knowledge, at any time extend the protection of our flag to Black Kettle and the Indians with him, and direct them to encamp upon the reservation of the fort?

Answer. Major E. W. Wynkoop, 1st Cavalry, Colorado, did, as I have been informed, allow some of these Indians to camp at or near Fort Lyon, and did promise them the protection of our flag. Subsequently he was relieved of the command of Fort Lyon, and Major Anthony placed in command at that post, who required the Indians to comply with General Curtis's terms, which they failed to do, and thereupon Major Anthony drove them away from the post.

15th question. Were rations ever issued to those Indians either as prisoners of war or otherwise?

Answer. I have been informed that Major Wynkoop issued rations to the Indians encamped near Fort Lyon while he was in command, but whether as prisoners of war I do not know. I think that Major Anthony did not issue any rations.

16th question. And did those Indians remove, in pursuance of the directions, instructions, or suggestions of the commandant at Fort Lyon, to the place on Sand creek, where they were attacked by you?

Answer. I have been informed that Major Anthony, commandant at Fort Lyon, did order the Indians to remove from that post, but I am not aware that they were ordered to go to the place where the battle was fought, or to any other place.

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17th question. What measures were taken by you, at any time, to render the attack on those Indians a surprise?

Answer. I took every precaution to render the attack upon the Indians a surprise, for the reason that we had been chasing small parties of them all the summer and fall without being able to catch them, and it appeared to me that the only way to deal with them was to surprise them in their place of rendezvous. General Curtis, in his campaign against them, had failed to catch them; General Mitchel had met with no better success; General Blunt had been surprised by them, and his command nearly cut to pieces.

18th question. State in detail the disposition made of the various articles of property, horses, mules, ponies, buffalo robes, &c., captured by you at the time of this attack, and by what authority was such disposition made?

Answer. The horses and mules that had been stolen from the government were turned over to the officer who had been responsible for the same; and the animals belonging to Atzins was returned to them upon proof being made of such ownership. The animals not disposed of in this way were turned over to Captain S. J. Johnson, 3d regiment Colorado cavalry, with instructions to proceed with the same to Denver, and turn them into the quartermaster's department. After the command arrived in Denver, I again directed Captain Johnson to turn over the stock to Captain C. L. Gorton, assistant quartermaster, at that place. The buffalo robes were turned into the hospital for use of the wounded as before stated.

19th question. Make such further statement as you may desire, or which may be necessary to a full understanding of all matters relating to the attack upon the Indians at Sand creek.

Answer. Since August, 1863, I had been in possession of the most conclusive evidence of the alliance, for the purposes of hostility against the whites, of the Sioux, Cheyennes, Arapahoes, Camanche river, and Apache Indians. Their plan was to interrupt, or, if possible, entirely prevent all travel on the routes along the Arkansas and Platte rivers from the States to the Rocky mountains, and thereby depopulate this country. Rebel emissaries were long since sent among the Indians to incite them against the whites, and afford a medium of communication between the rebels and the Indians; among whom was Gerry Bent, a half-breed Cheyenne Indian, but educated, and to all appearances a white man, who, having served under Price in Missouri, and afterwards becoming a bushwhacker, being taken prisoner, took the oath of allegiance, and was paroled, after which he immediately joined the Indians, and has ever since been one of their most prominent leaders in all depredations upon the whites. I have been reliably informed that this half-breed, Bent, in order to incite the Indians against the whites, told them that the Great Father at Washington having all he could do to fight his children at the south, they could now regain their country.

When John Evans, governor of Colorado Territory, and ex officio superintendent of Indian affairs, visited by appointment the Cheyenne Indians on the Republican fork of the Kansas river, to talk with them in regard to their relations with the government, the Indians would have nothing to say to him, nor would they receive the presents sent them by the government, but immediately on his arrival at the said point the Indians moved to a great distance, all their villages appearing determined not to have any intercourse with him individually or as the agent of the government.

This state of affairs continued for a number of months, during which time white men who had been trading with the Indians informed me that the Indians had determined to make war upon the whites as soon as the grass was green, and that they were making preparations for such an event by the large number of arrows they were making and the quantity of arms and ammunition they were collecting; that the settlers along the Platte and Arkansas rivers should be warned of the approaching danger; that the Indians had declared their intention to prosecute the war vigorously when they commenced. With very few troops at my command I could do but little to protect the settlers except to collect the latest intelligence from the Indians'

country, communicate it to General Curtis, commanding department of Missouri, and warn the settlers of the relations existing between the Indians and the whites, and the probability of trouble, all of which I did.

Last April, 1864, the Indians, Cheyennes, Arapahoes, and others, commenced their depredations upon the whites by entering their isolated habitations in the distant parts of this territory, taking therefrom everything they desired, and destroying the balance; driving off their stock, horses, mules and cattle. I sent a detachment of troops after the Indians to recover the stolen property, when the stock, &c., being demanded of them they (the Indians) refused to surrender the property so taken from the whites, and stated that they wanted to fight the troops. Again, when a few weeks after the country along the Platte river, near Fremont's orchard, became the theatre of their depredations, one Ripley, a ranchman, living on the Bijon creek, near camp Sanborn, came into camp and informed Captain Sanborn, commanding, that his stock had all been stolen by the Indians, requesting assistance to recover it. Captain Sanborn ordered Lieutenant Clark Dunn, with a detachment of troops to pursue the Indians and recover the stock; but, if possible, to avoid a collision with them. Upon approaching the Indians, Lieutenant Dunn dismounted, walked forward alone about fifty paces from his command, and requested the Indians to return the stock, which Mr. Ripley had recognized as his; but the Indians treated him with contempt, and commenced firing upon him, which resulted in four of the troops being wounded and about fifteen Indians being killed and wounded, Lieutenant Dunn narrowly escaping with his life. Again, about one hundred and seventy-five head of cattle were stolen from Messrs. Irwin and Jackman, government freighters, when troops were sent in pursuit toward the headwaters of the Republican. They were fired upon by the Indians miles from where the Indians were camped. In this encounter the Indians killed one soldier and wounded another. Again, when the troops were near the Smoky Hill, after stock, while passing through a canon, about eighty miles from Fort Larned, they were attacked by these same Cheyenne Indians, and others, and almost cut to pieces, there being about fifteen hundred Indians. Again, when on a Sunday morning the Kiowas and Camanches were at Fort Larned, to obtain the rations that the commanding officer, on behalf of the government, was issuing to them, they, at a preconcerted signal, fired upon the sentinels at the fort, making a general attack upon the unsuspecting garrison, while the balance of the Indians were driving off the stock belonging to the government, and then as suddenly departed, leaving the garrison afoot excepting about thirty artillery horses that were saved; thus obtaining in all about two hundred and eighty head of stock, including a small herd taken from the suttler at that post.

Again, a few days after this, the Cheyennes and Arapahoes Indians, with whom I had the fight at Sand creek, meeting a government train bound for New Mexico, thirty miles east of Fort Larned, at Walnut creek, who, after manifesting a great deal of friendship by shaking hands, &c., with every person in the train, suddenly attacked them, killing fourteen and wounding a number more, scalping and mutilating in the most inhuman manner those they killed, while they scalped two of this party alive, one a boy about fourteen years of age, who has since become an imbecile. The two persons that were scalped alive I saw a few days after this occurred. Though it occurred within sight of Fort Zarah, the officer commanding considered his command entirely inadequate to render any assistance. But we think we have related enough to satisfy the most incredulous of the determined hostility of these Indians; suffice it to say that during the spring, summer, and fall such atrocious acts were of almost daily occurrence along the Platte and Arkansas routes, till the Indians becoming so bold that a family, consisting of a man, woman, and two children by the name of Hungate, were brutally murdered and scalped within fifteen miles of Denver, the bodies being brought to Denver for interment. After seeing which, any person who could for a moment believe that these Indians were friendly, to say the least, must have strange ideas of their habits. We could not see it in that light.

This last atrocious act was referred to by Governor Evans in his talk with the Cheyennes and Arapahoes Indians on about the 27th day of September, 1864, at Denver,

Colorado Territory. The Indians then stated that it had been done by members of their tribe, and that they never denied it. All these things were promptly reported to Major General S. R. Curtis, commanding department, who repeatedly ordered me, regardless of district lines, to appropriately chastise the Indians, which I always endeavored to do. Major General S. R. Curtis himself and Brigadier General R. B. Mitchell made campaigns against the Indians, but could not find them; the Indians succeeded in keeping entirely from their view. Again, Major General J. P. Blunt made a campaign against the Indians; but was surprised by them, and a portion of his command nearly cut to pieces.

Commanding only a district with very few troops under my control, with hundreds of miles between my headquarters and rendezvous of the Indians, with a large portion of the Sante Fe and Platte routes, besides the sparsely settled and distant settlements of this Territory, to protect, I could not do anything till the 3d regiment was organized and equipped, when I determined to strike a blow against this savage and determined foe. When I reached Fort Lyon, after passing over from three to five feet of snow, and greatly suffering from the intensity of the cold, the thermometer ranging from 28to 30 degrees below zero, I questioned Major Anthony in regard to the whereabouts of hostile Indians. He said there was a camp of Cheyennes and Arapahoes about fifty miles distant; that he would have attacked before, but did not consider his force sufficient; that these Indians had threatened to attack the post, &c., and ought to be whipped, all of which was concurred in by Major Colley, Indian agent for the district of the Arkansas, which information, with the positive orders from Major General Curtis, commanding the department, to punish these Indians, decided my course, and resulted in the battle of Sand creek, which has created such a sensation in Congress throughthe lying reports of interested and malicious parties.

On my arrival at Fort Lyon, in all my conversations with Major Anthony, commanding the post, and Major Colley, Indian agent, I heard nothing of this recent statement that the Indians were under the protection of the government, &c.; but Major Anthony repeatedly stated to me that he had at different times fired upon these Indians, and that they were hostile, and, during my stay at Fort Lyon, urged the necessity of my immediately attacking the Indians before they could learn of the number of troops at Fort Lyon, and so desirous was Major Colley, Indian agent, that I should find and also attack the Arapahoes, that he sent a messenger after the fight at Sand creek, nearly forty miles, to inform me where I could find the Arapahoes and Kiowas; yet, strange to say, I have learned recently that these men, Anthony and Colly, are the most bitter in their denunciations of the attack upon the Indians at Sand creek. Therefore, I would, in conclusion, most respectfully demand, as an act of justice to myself, and the brave men whom I have had the honor to command in one of the hardest campaigns ever made in this country, whether against white men or red, that we be allowed that right guarranteed to every American citizen, of introducing evidence in our behalf to sustain us in what we believe to have been an act of duty to ourselves and to civilization.

We simply ask to introduce as witnesses men that were present during the campaign and know all the facts.

J. M. CHIVINGTON,
Lieu't Col. 1st Cavalry of Colorado, Com'd'g Dist. of Colorado.

Sworn and subscribed to before me this 26th day of April, 1865.

ALEXANDER W. ATKINS,
Notary Public.

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Papers from the War Department, transmitted to the Joint Committee on the Conduct of the War, investigating the Sand Creek battle [1]

Document No. 31

Denver, August 18, 1864

Hon. Edwin M. Stanton, Secretary of War:

Extensive Indian depredations, with murder of families, occurred yesterday thirty miles south of Denver. Our lines of communication are cut, and our crops, our sole dependence, are all in exposed localities, and cannot be gathered by our scattered population. Large bodies of Indians are undoubtedly near to Denver, and we are in danger of destruction both from attack of Indians and starvation. I earnestly request that Colonel Ford's regiment of 2d Colorado volunteers be immediately sent to our relief. It is impossible to exaggerate our danger. We are doing all we can for our defence.

JNO. EVANS, Governor.

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Document No. 32

Department of Kansas,
Fort Kearney, August 28, 1864

Major General Halleck, Chief of Staff:

Indians in small bands continue to commit depredations, but seem more cautious moving westward. Have effectually scoured the country east of 99th meridian. Indians going west of settlements. Overland mail agents have withdrawn stock and gone east. I think they can run through with such escorts as I can furnish. Militia very tardy in coming forward, many turning back before reaching this point.

Some fifty murders have been committed by Indians on this line, and considerable private stock stolen, but government has lost but little.

S. R. CURTIS, Major General

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Document No. 33

Denver, September 7, 1864.

Hon. Edwin M. Stanton, Secretary of War:

Pray give positive orders for our second Colorado cavalry to come out. Have notice published that they will come in detachments to escort trains up the Platte on certain days. Unless escorts are sent thus we will inevitably have a famine in addition to this gigantic Indian war. Flour is forty-five dollars a barrel, and the supply growing scarce, with none on the way. Through spies we got knowledge of the plan of about one thousand warriors in camp to strike our frontier settlements, in small bands, simultaneously in the night, for an extent of 300 miles. It was frustrated at the time, but we have to fear another such attempt soon. Pray give the order for our troops to come, as requested, at once, as it will be too late for trains to come this season.

JOHN EVANS, Governor.

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[1] "Massacre of Cheyenne Indians," Report of the Joint Committee, pp. 59-108.

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Document No. 34

Denver City, September 22, 1864.

Major General Halleck, Chief of Staff:

Have regiment 100 days men ready for field. Train on the way from Fort Leavenworth, but cannot get here in time because of the Indian troubles on the Platte route. Are four hundred miles back, and laid up. The time of this regiment will expire and Indians will still hold road. This is no ordinary case.

J. M. CHIVINGTON,
Colonel Commanding

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Document No. 35. . . . . Headquarters of the Army,
Washington, D. C., September 23, 1864.

Colonel Chivington, Denver City:

You will communicate your wants to your superior officer, General Curtis at Fort Leavenworth.

H. W. HALLECK,
Major General, Chief of Staff.

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Document No. 36

Headquarters, Fort Lyon, C. T.,
November 6, 1864.

SIR: I have the honor to report that I arrived at this post and assumed command November 2, in obedience to Special Orders No. 4, headquarters of district, October 17, 1864. Major E. W. Wynkoop, 1st cavalry of Colorado, was in command of the post. One hundred and thirteen lodges of Arapahoe Inidans, under their chiefs Little Raven, Left Hand, Nervah, Storms, and Knock Knee, and numbering, in men, women and children, 652 persons, were encamped in a body about two miles from the post, and were daily visiting the post, and receiving supplies from the commissary department, the supplies being issued by Lieutenant C. M. Copett, assistant commissary of supplies, under orders from Major E. W. Wynkoop, commanding post.

I immediately gave instructions to arrest all Indians coming within the post, until I could learn something more about them. Went down and met their head chiefs, half way between the post and their camp, and demanded of them by what authority and for what purpose they were encamped here. They replied that they had always been on peaceable terms with the whites, had never desired any other than peace, and could not be induced to fight. That other tribes were at war, and, therefore, they had come into the vicinity of a post, in order to show that they desired peace, and to be where the travelling public would not be frightened by them, or the Indians be harmed by travellers or soldiers on the road.

I informed them that I could not permit any body of armed men to camp in the vicinity of the post, nor Indians visit the post, except as prisoners of war. They replied that they had but very few arms and but few horses, but were here to accept any terms that I proposed. I then told them that I should demand their arms and all the stock they had in their possession which had ever belonged to white men; they at once accepted these terms. I then proceeded with a company of cavalry to the vicinity of their camp, leaving my men secreted, and crossed to their camp, received their

arms from them, and sent out men to look through their herd for United States or citizens' stock, and to take all stock except Indian ponies; found ten mules and four horses, which have been turned over to the acting assistant quartermaster. Their arms are in very poor condition, and but few, with little ammunition. Their horses far below the average grade of Indian horses. In fact, these that are here could make but a feeble fight if they desired war. I have permitted them to remain encamped near the post, unarmed, as prisoners, until your wishes can be heard in the matter; in the interval, if I can learn that any of their warriors have been engaged in any depredations that have been committed, shall arrest them, and place all such in close confinement.

I am of opinion that the warriors of the Arapahoes, who have been engaged in war, are all now on the Smoky Hill, or with the Sioux Indians, and have all the serviceable arms and horses belonging to the tribe, while these here are too poor to fight.

Nine Cheyenne Indians to-day sent in, wishing to see me. They state that 600 of that tribe are now 35 miles north of here, coming towards the post, and 2,000 about 75 miles away, waiting for better weather to enable them to come in. I shall not permit them to come in, even as prisoners, for the reason that if I do, I shall have to subsist them upon a prisoner's rations. I shall, however, demand their arms, all stolen stock, and the perpetrators of all depredations. I am of the opinion that they will not accept this proposition, but that they will return to the Smoky Hill. They pretend that they want peace, and I think they do now, as they cannot fight during the winter, except where a small band of them can find an unprotected train or frontier settlement. I do not think it is policy to make peace with them now, until all perpetrators of depredations are surrendered up to be dealt with as we may propose.

The force effective for the field at the post is only about 100, and one company, (K, New Mexico volunteers) sent here by order of General Carlton, commanding department of New Mexico, were sent with orders to remain sixty days, and then report back to Fort Union. Their sixty days will expire on the 10th of November (instant). Shall I keep them here for a longer period, or permit them to return?

The Kiowas and Comanches, who have all the stock stolen upon the Arkansas route, are reported south of the Arkansas river and towards the Red river. The Cheyennes are between here and the Smoky Hill; part of the Arapahoes are near this post; the remainder north of the Platte. With the bands divided in this way, one thousand cavalry could now overtake them and punish some of them severely, I think, but with the force here it can only be made available to protect the fort. I shall not permit the Cheyennes to camp here, but will permit the Arapahoes now here to remain in their present camp as prisoners until your action is had in the matter.

I have the honor to be, very respectfully, your obedient servant,

SCOTT J. ANTHONY,
Major, 1st Cavalry of Colorado, Commanding Post.

To _____,
A. A. A. G. District of Upper Arkansas, Fort Riley, Kansas.

(Indorsed,)

Headquarters, District of Upper Arkansas,
Fort Riley, November 22, 1864.

Respectfully forwarded for the information of the general commanding, respectfully asking for instruction in regard to the Arapahoe Indians kept and fed as prisoners at Fort Lyon. Major Anthony has been instructed to carry out general field order No. 2, July 31, 1864, fully, until further instructions from department headquarters....

B. I. HENNING,
Major 3d Wisconsin Cavalry, Commanding District

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(Dated Denver, January 8, 1865 - Received January 9, 3 p.m.)

J. B. Chaffee, 45 William:

Urge the government to send troops on Platte route. Indians burning trains and slaying emigrants.

GEO. E. CLARK,
CHAS. A. COOK.

Headquarters Army, March 18, 1865.

J. C. KELTON, A. A. G.

New York, January 10, 1865.

Dear Judge(Bennett, delegate in Congress from Colorado Territory): I received the enclosed despatch this a.m. You cannot be too urgent with the Secretary of War, or the President, about our Indian troubles. Unless something is done to settle this trouble, we are virtually killed as a Territory. You can hardly realize, without seeing it, the large amount of machinery en route for our Territory to work the mines with. Everything in the way of supplies is exorbitantly high, all on account of the hazard of transportation. Emigration is limited on account of the danger of travel. It is peculiarly disastrous to us now because so many eastern capitalists have been and are investing in our mines, and are preparing to open and develop them.

I am inclined to the opinion that our administration, both civil and military, have failed to comprehend the situation. I mean Evans and Chivington. I think this whole difficulty could have been arrested; but this is nothing to the case now. This must be attended to immediately, or our prospects are blasted for some time to come, and the development of a rich mining country indefinitely postponed. For God's sake, urge some action. I can't come over just now, or I would give you my views regarding what action ought to be taken; but anything, so that some steps are taken to protect the line of travel.

There is no use to depend on General Curtis, Evans, Chivington, or any other politican.

Yours of the 9th received this morning.

J. B. CHAFFEE.

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Document No. 38

GENERAL FIELD ORDERS No. 1.

(Extract.)

Headquarters Department of Kansas,
In the Field, Fort Ellsworth, July 27, 1864.

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II. Hunters will be detailed for killing game, but the troops must not scatter and break down stock to chase buffalo. Indians at war with us will be the object of our pursuit and distinction, but women and children must be spared. All horses, ponies, and property taken will be placed in charge of Quartermaster P. C. Taylor, who will have it properly collected, or sent back to safe place for future disposition; this is necessary to prevent the accumulation of useless baggage.

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By order of Major General Curtis.

JOHN WILLIAMS,
Assistant Adjutant General.

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